No. 97-1337

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In The

Supreme Court of the United States

October Term, 1997

STATE OF MINNESOTA, Minnesota Department of Natural Resources; RODNEY SANDO, Commissioner of Natural Resources; ARNE CARLSON, Governor of Minnesota; RAYMOND B. HITCHCOCK, Assistant Commissioner of Operations, Minnesota Department of Natural Resources,

Petitioners,

v.

MILLE LACS BAND OF CHIPPEWA INDIANS, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Eighth Circuit

JOINT APPENDIX
VOLUME II, Pages 297 to 580

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Treaty Negotiations Of February 22, 1855

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

NAM T494 R.5:307 1855

Ratified Treaty No. 287, Documents Relating to the Negotiation of the Treaty of February 22, 1855, with the Mississippi Pillager Lake Winibigoshish Bands of Chippewa Indians

/309/ Interview between the Comr of Indian Affairs and a delegation of Chippewas, 15, Feby

On Monday evening last, a delegation of Chippewa Indians from Minnesota had an informed talk or interview with Col. Manypenny, Commissioner of Indian Affairs. Their attendance here, it is said, was required for the purpose of making a treaty for the Purchase of a tract of land lying in Minnesota.

The delegation were accompanied by their agent Maj David B. Herriman, Truman A. Warren, U.S. Interpreter, and Paul H. Boileau, who, (owing to the indisposition of Mr. Warren,) acted upon this occasion, as interpreter. They consisted of the principal chief, the celebrated "Hole-in-the-Day", and the following named sub-chiefs, viz. "Crossing Sky", "Crow feather," "Bad Boy", (who, notwithstanding is name, is said by the Agent to be an excellent Indian,) "Coming home – following", and "One who knows."

The Commissioner asked Hole-in-the-Day how he liked the method of travelling over railroads, etc compared with the Indian mode?

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Hole-in-the-Day said he liked it very much, and admired the wisdom of the white men which enabled them to accomplish such works. Although his color was different from that of the Commissioner, he knew the /310/ same Great Spirit made both, felt as an American at heart, and took great pleasure and satisfaction in noticing the wonderful increase and pioneers of the whites in improvements. These things he intended were natural to the whites, as the habits customs and pursuits of the read men were to them, and each should adhere to their own way of life.

The Commissioner was glad to find that his young friend noticed such things, and felt such pride as are American. Although in this meeting, they had no special object to accomplish, he felt that himself and his red brethren could spend an hour or two very pleasantly together. It is true the white people have grown with great rapidity – have spread from the Atlantic to the Pacific; but what has been the destiny of the red man? They have yearly diminished in numbers. Why have they decreased and fallen away,. while the whites increased and multiplied? The Great Spirit, as you justly remark, made all and intended that both should increase and multiply and replenish the land. My young friend, said the Commissioner, has thrown out an idea that each should adhere to their manners, customs, and habits, but this suggestion is the offspring of prejudice. So long as the red man relies upon the precarious subsistence afforded by the chase, so long will he remain ignorant of the advantages of industry and civilization /311/ , so long will the Indians decrease and diminish in members. Let them but once learn to depend upon the cultivation of the earth for their support, and

education, improvement, and independence will follow; and then they can accomplish for themselves all that excited this wonder and administration on their way to Washington.

Hole-in-the-Day. That is true, very true.

The Commissioner said he would like to hear his red Brethren talk a little.

Hole-in-the-day did not know what to say or what to talk about. His ideas were fully expressed in the few words which he uttered in the beginning of the conversation. His idea is to notice what the white people do, and to get his people, as near as possible, to follow in their footsteps. It would be fully for him to attempt to express his views further than he has already done. He respected all present too much to trifle or joke with them.

The Commissioner replied that his wish was to hear the delegates express freely their opinion and views, so that he might the better understand their wants and wishes, and as to whether there was among them any diversity of opinion. He desired /312/ to hear their opinions as to his suggestions.

Hole-in-the-day (Laughing) said as far as the labor and growth of the whites and their increase of territory are concerned, he assured the Commissioner, if the Indians did not imitate and equal the whites, it was not for the want of envy. They did envy them in these things, and felt the greatest ambition to emulate and follow their example, if they only knew how to accomplish it. This was the difficulty.

The Commissioner said he could see no good reason why they could not, in time, equal the whites in these respects. He believed they had the natural capacity to do so.

Hole-in-the-day , said the whites had wisdom. They had learning, and, although they are wise, still what could these do with all this wisdom, if they lacked money and means? They could accomplish nothing. They could make none of those improvements. As an illustration, my friend, said Hole-in-the-day, what could the Chippewas do with the poor paltry sum of $4 each per year towards supporting their families, and building such railroads as we have passed over in coming to the seat of government?

/313/ The Commissioner said the white people were enabled, by their industry and labor, after supporting their families, to keep a strong box in which, after building their railroads, they but a great deal of money. But, if every white man in the country had a room full of money, and no one labored, their magnificent roads and other improvements could not be made. Money, with them was a measure of value, and its accumulation was the reward as well as the result of thrift and industry. You must have observed, (said the Commissioner,) that white man who go to Minnesota are generally poorer. They however, settle upon the public domain and before surveyed and brought into market, make enough of they could not only to support their families, but to pay for it when offered for sale. I agree with my young friend that means are necessary to accomplishment of physical improvements; but had the Chippewa been farmers, they could have had plenty of wheat and other bread stuff, to sell the white settlers, who for want of these things were compelled to

send for provisions all the way to St. Louis. Had the Chippewas been cultivators of the soil, instead of hunters, they would, under this state of things, have had their pockets full of money. Conceding that means /314/ are necessary to accomplish great undertakings, it is evident that those who follow the precarious pursuits of the chase will never have the means of success.

Hole-in-the-day replied that what the Commissioner said was true – true to the letter. He respected his advice and admired his maxims; but, in the [1 word illegible] state of his own people, what were they but savages? What could they have done under such circumstances? How could men with their habits and ideas acquire wealth? Their forefathers did not instruct and educate them like the ancestors of the whites, for they, too, were savages. It takes time to wear away attachment to old customs, habits and superstitions. They cannot be got rid of in a day. he was convinced that if each generation adhered to the customs and superstitions of their ancestors, the red men will always live in poverty. Everything you have said, father, is true, and if they only could follow your advice, it would be for the interest of the Chippewas.

The Commissioner said his remarks were very true, but that there must be a beginning. The present generation of Chippewas, feeling, as they do, the advantages of industry and civilization, can lay /315/ the foundations of a change. When this is accomplished, the Chippewas can attain to as high a position as the whites, and enjoy all those blessings and advantages which excite their envy and admiration outside of the hunts of the Indian country.

Hole-in-the-day said that is all very true. He acknowledges that the Indians are rather too foolish. They adhere to customs and habits which are an injury instead of a benefit; but, my father, you must recollect that the whites ere not always blessed and benefited by civilization. There was a period of dark ages in which they were like us and form which they slowly emerged. We are more in that state. We know not, father, from one hour to another when life will end. Life is held in the palm of the Great Spirit. We do not know we will be alive tomorrow; but my great wish and desire is to improve the condition of the Chippewa nation, and make them live like whites. it will be eight years next spring in the month of may, he continued, since I lost my father. At that time, I was nothing but a mere foolish child. I knew nothing, and did not care about knowing anything. At the time my father was dying, he said, "My son /316/ I charge you to take care of the Chippewa nation, take the tribe by the hand, show them how to walk, and light them to fame, as it were, and make them resemble the whites." I have, father, listened to his words, and well have I adhered to his advice. After his death, I meditated day and night upon what he said, and have done the best I could to promote the welfare of my tribe. My first study was how to make the long sought for peace between the Chippewa and Sioux. I lost no opportunity to bring about the desirable result. the Chippewas have been assailed, their patience tried, and been persecuted, but when attacked, have had revenge. My Great study has been to secure peace, and, since I succeeded, have been trying to bring about peaceable and friendly relations with other tribes. I am constantly thinking of the advice given me by my father, to

"please the Chippewas – to do all I can to promote their interest." With the Indians, as well as with the whites, there is an ambition to excel, and those who go to war generally delight in punishing their enemies. When I go, I do the same, and have revenge. I do not hate the Sioux: I love them as I do every one on the Continent who has a red/317/ skin. Of course, I go to St. Paul very often. I frequently meet the Sioux and also the Winnegagoes. I shake hands with them, and reminding them that the Indians once owned the continent, ask them where they are now? I tell them this every time I see them, that, when they fight they push themselves and not the whites. I am a friend of peace.

The Commissioner said he was glad to hear those remarks, and hoped a better day and destiny awaited the Chippewas.

[here the conversation dropped, and Hole-in-the-day looking at a map before him, pointed out the land belonging to the Chippewas. Had he not been at the treaty of Lapointe last fall, he remarked, with a smile, to the Commissioner, the land embraced in the purchase there made would not have been now marked out on the map.": To this, the Commissioner assented, remarking that he was well aware of the fact]

Hole-in-the-day having changed his position in the room, resumed the conversation by remarking, that having now had a social talk, they would like to come to the point as to the /318/ nature of the business for which they were invited to come to this city. he regretted that all the chiefs were not here, but hoped they would soon be. Seven was the number you wanted: There are only six here, but

believed there was one on the way. Those here would esteme it an especial favor to be informed of the object in sending for them and to get some insight into the business to be transacted. They had heart of a building called a "penetentury" here, in which they understood persons were sometimes imprisoned, and had thought that perhaps it was contemplated to give them a taste of confinement, so as to enable them to understand how persons so situated would feel.

The Commissioner said he had no such design as that intimated by his young friend. The object was to do good to the Chippewas. His object in sending for them was to buy form them a portion of their lands lying in the Mississippi country, which, when the Chippewas become cultivators of the so9il like white men, they will not want, or be necessary to their support. they will then, like the whites, make a living on less land. he desire to wait until the Sioux come before they would talk about business. He did not wish to /319/ talk in two tongues.

Hole-in-the-day. The Great Spirit, although he made the Indian and the white man of a different color, gave each a dialect by which they could understand each other. The master of Life gave us a faculty of using our tongues, and we should use words enough to make our selves understood. Take the white man, with all his wisdom, and he is not infallible to faults. Your words strike us in this way. They are very short. "I want to buy your land." These words are very expressive – very curt.

The Commissioner said his language was misunderstood. He did not mean to accuse his friend of speaking with forked tongues. What he meant is, that, if arrangement

could be made for the purchase of the lands, a fair consideration shall be paid therefore. He did not wish to act towards his red children in such a way as to over reach them; to say to them what he did not mean, or to make promises which he did not intend to /320/ fulfill

Hole-in-the-day replied that he did not misunderstand the language of his father, the Commissioner; and, in his remarks, merely meant to say that whatever was done should be done openly and frankly, so that no misunderstanding or misapprehension should afterwards arise. The Great Spirit blessed us with tongues to express our feelings,and we should not abuse the give by using it to deceive. The Indians have heretofore been too often deceived, because there were too many words used, and too few of them carried out.

The Commissioner said we must try and avoid such things in the future, and so act ass to leave no room for misunderstanding.

Hole-in-the-day said he had occasion every day to envy the way the whites so business, in black and white.

The Commissioner said on great impediment to a good understanding between the government and the Indians arose from the fact that the latter cannot read or understand the contracts which /321/ Hole-in-the-day replied that where persons have faith in the paper, it is as good and valid as if they could read it.

The Commissioner said that was very true. If no deception be used, such faith was just as safe and reliable. The Indians are doubtless often deceived by papers drawn up

for their signature, which could not be the case, could they read and judge for themselves.

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Hole-in-the-day. Our people must have faith in somebody, or they cannot trust anybody. If not, they could do nothing. Flattery (continued Hole in the Day) is not my habit; but I must thank the Commissioners for his unusual frankness. It is the first time a person about to do business with us has, in advance, but us on our guard, and I shall try and profit by the advice.

The Commissioner remarked if their fathers had educated them, they could judge for themselves. They could not be deceived, and hence he hoped they would see the necessity of educating their children so that, in all their dealings with the world, they can protect themselves.

Hole-in-the-day. The whites have too /322/ much wisdom for the Indians.

Commissioner. The reason is they are educated. The Indians are naturally as susceptible of education as the whites, and should not exert themselves to acquire the wisdom which they envy in us.

Hole-in-the-day We appreciate this talk very much. I view my position in the same light you do yours. In your present situation, you re the Great Father's man. I am the

Indian's man. I stand in the same relation to my tribe that you do to yours. You re not willing to do any thing which will displease those who have selected you; neither am I willing to run counter to the wishes of my people. In this respect, we are both occupied alike in citing for others as well as ourselves.

The Commissioner said that was right. It is the true doctrine for the guidance of men in authority, who should do their duty not those they represent.

After some further conversation about house, shoes etc, the Indians took their leave apparently well pleased with this talk.

/323/ Second interview with the Commissioner with the Pillager and Mississippi Chippewas Feby 15, 1855 (at night)

/324/ INTERVIEW BETWEEN THE COMMISSIONERS OF INDIAN AFFAIRS AND THE CHIPPEWA DELEGATES.

On Thursday evening last (15the instant) Col. Manypenny had a second interview with the Chippewa delegation upon the subject of the purchase of a tract of land west of the Mississippi, lying between the Crow Wing and Watab rivers empty into the same, containing about 800,000 acres; for which, it is understood, the Commissioner propose to give a tract of about 250,000 acres in the interior of Minnesota, some distance south of their present reserve, with such pecuniary consideration as might be agreed upon between the parties. The delegates present on this occasion consisted of those headed by Hole-in-the-day with whom he had an interview last Monday

evening, and the following chiefs and headmen of the Pillager and Winnepec band of Chippewas, who have since arrived, accompanied by Mr. J. W., Lyon, a trader, and Peter Roy, interpreter, viz. Eskebugekose or Flat Mouth; Bejeke or Buffalo; Nabanaosh of Young-man's son; Magegabo; Magizzy or Eagle, and Cobnubby.

/325/ Commissioner. I am very glad to see you all this evening.

Having understood that the Chippewas were desirous to visit Washington, and being anxious myself to see them, I directed the agent to cause a delegation of your tribe to proceed to this city, that I might talk with you and discuss matters pertaining to your future prospects. Your present condition, I am satisfied, is not a desirable one or calculated to benefit you. A roaming life is not productive of good/. You should change and conform to the times, and the spirit of the age in which we live.

A part of the Chippewas, with your hereditary chief, were here a few evenings since, and we had an informal conversation, but said nothing on business, and but as the Chippewas are fully represented to night, we will proceed to talk over business matters. In looking at your affairs, I am satisfied that the Chippewas should confine themselves to a smaller extent of territory, and use every means in their power to induce their young men to abandon their present mod of living, and turn their attention to the cultivation of the soil.

I suppose however, these matters have occurred to you, and /326/ ; you have doubtless talked them over at your distant homes, and are therefore aware of the necessity of something being done to provide for your welfare. I

should like much to have your views. Perhaps you have had some conversation in regard to your affairs since your arrival in Washington; if so, I would like to hear your views fully.

/327/ Flat Mouth (head chief of the Pillager band) shaking hands with the Commissioners, said Father, not that I am afraid to speak but I think I can explain my views in one word. It is enough, father, to show the confidence reposed in me that I am here. I am deaf, father, and can hear with difficulty; but the few words you have uttered have given me confidence. It appears to me that I understand what you want, and your views from the few words I have heard you speak. You want land. You look at me, father; you see how old I am. On account of my advanced age, I find it difficult to make myself understood. It is one of my characteristics not to understand all that is said; and, as I am old, I want time for reflection. I want time for reflection. One day or one night, and then I can answer you. Appoint a day or an hour, and after this night, I will respond to your questions.

Commissioner. I am struck with the old gentleman's remarks. He says he understands exactly what I want. why, then, should he ask time to reflect. the giddy and inexperienced young man might well ask time, but the old should be always prepared, from long experience, to express their views and make /328/ known their wants. He did not, however, wish to hurry his old friend, or urge him to act precipitously. He appears to understand the object of the interview. His people had more land than they wanted or could use, and stood in need of money; and I have more money than I need, but want more land; Hence it is, that the necessities and wants of both would

be relieved by coming to a proper understanding in in respect to the object of this interview.

[Here Paul, the interpreter, suggested, that, as his memory was defective, he would be glad if the speeches were broken into shorter fragments]

The Commissioners remarked to Buffalo, that if he was a young man, he would insist upon his dispensing with his head dress of feathers, but that, as he was old, he would not disturb a custom which habit had endeared to him.

Buffalo replied that the feathered plume among the Chippewas was a badge of honor. Those who were successful in fighting with or conquering their enemies were entitled to wear plumes as marks of distinction, and as the reward of meritorious actions.

The Commissioner asked him how old he was?

Buffalos said that was a question which he could not answer exactly. If he guessed right, however, he supposed he was about fifty. [he looked, /329/ and was doubtless, much older]

Commissioner. I would think, my friend you were older than that. I would like to philosophize with you about that head dress, and desired to know if he had a farm, a house, stock and the other comforts about him?

Buffalo – I have none of those things which you mentioned. I live like other members of the tribe.

Commissioners. How long have you been in the habit of painting. 30 years or more?

Buffalo. I cannot tell the number of years. It may have been more or it may have been less. I have distinguished

myself in war as well as in peace among my people and the whites, and am entitled to the distinction which the practice implies.

Commissioner. While you, my friend, have been spending your time and money in painting you face, how many of your white brethren have started without a dollar in the world, and acquired all those things mentioned, so necessary to your comfort and independent support. The point, with the exception what is now on my friend's face, has disappeared, but the white persons to whom I allude by way of contrast, are surrounded by all the comforts of life, the legitimate fruits of their well-directed industry. This illustrates the difference between civilized and savage life /330/ and the importance of our red brethren changing their habits and pursuits of those of the whites.

[The Indians here held a running conversation and consultation as to what was best to be done – a circumstance which their interpreter explained.]

Hole-in-the-day said the Pillagers being the parties addressed this evening, he did not feel in incumbent upon his band to take any part in the discussion. It was for the Pillagers to reply to the remarks of the Commissioner.

The Commissioner said that his friend Hole-in-the-day was mistaken. He did not think the Chippewas had any distinct interests, and he therefore addressed himself not to the Pillagers alone, but to the Chippewa nation.

Buffalo said his people lived much further back than any other band of the Chippewas and consequently did not

enjoy opportunities to understand the matter discussed as well as others. Only in a single instance had he anything to do with the annuity payments. Hence he desired time to reflect before he could give definite answer.

The Commissioner said he was fully aware of the remote position of the Pillagers, but did not think there existed any rival interests between the different bands of the Chippewa nation. In respect to the /331/ business which brought them together. He said he was anxious to act with dispatch, so that the Great Council of the Nation, now in session here, might give their acts it sanction before its adjournment, which will soon take place. We addressed them all together, because he could recognize among them no separate or rival interests. He would be glad to hear that his friend Hole-in-the-day had to say upon the subject.

Buffalo inquired if he properly understood the Commissioner as wishing to make one nation of the Chippewa people? If this is not so, he would like to be corrected.

The Commissioner replied that he had no desire to disturb or interfere with their internal affairs. He wished to treat with them, however, as Chippewas. [Capt. Eastman, who was present, have suggested, that if they were consented into one nation, several persons would lose their office, and hence their repugnance not a change in the present order of things. Very true, said the Commissioner; the Indians, in this respect, are like their white brethren, fond of power and distinction, and opposed to any arrangement which deprived them of either, or diminishes their chances of promotion. He should not therefore attempt to disturb them in their offices.

/332/ Flat Mouth. There is truth father, in every thing you have said. We feel that it is all true. We should have no conflicting interests; but we are in this respect like the whites. We have separate and distinct interests. We know our own possessions. We know what property we own. We want to do the best we can for ourselves. We want time to reflect. We do not want more than a day, perhaps; but, if it takes four to reflect upon it, we want to take it. We know the Great Council has not long to sit, and shall therefore act with all possible dispatch.

The Commissioner said he desired prompt action, but he did not wish anything unreasonable. He was aware of their separate interests, and did not wish to disturb them. He presumed they would understand their boundaries, and would be able to define them. For his part, he did not, and would have to be informed upon that point before he could make a proposition to purchase

Hole-in-the-day Father, there is no use in looking at the map, or attempting to find out the boundaries between different bands. make your proposition, say what you want, and what you will give, and we will consider it. There is no use in making childs play of the matter. It can be expressed /333/ in few short words.

Flat Mouth. Our Great father knows our lives better than we do. The Indians know nothing on paper. He knew what our father desired.

Commissioner. My Friend Flat Mouth seems, after all, to be prepared to act and I therefore presume a treaty can be made tonight.

Flat Mouth. It is not a fault of mine not to be prepared to act. I want to understand and reflect upon the subject, and to study on our own interest.

Commissioner (jocularly) I hope my friends do not want to study how to cheat or take advantage of their father.

Flat Mouth. Father, you have the advantage of us, but I hope our father will not use his power to injure his red children.

The Commissioner said the Pillagers and the Mississippi bands must determine the lines of their boundaries. He had no desire to confound their respective interests. He wished them to define, among themselves, their boundaries, and to say what quantity of land they wish reserved and where. If they will make known through some friend, tomorrow,t heir boundary lines and the quantity of land they wished to /334/ have reserved etc, he would be prepared to make them a proposition at once. Without this information, however, he could not make the necessary calculations as to the extent of their respective interests, which is indispensable or the basis of an offer.

Flat Mouth made a remark, which the interpreter did not understand.

Hole-in-the-day Father. I respect every man because he is a man; but I respect still more the American people, and why should I not? My views are such, father, I cannot express them and why? Because they are grand. My views are not limited, not on account of their wisdom, but of their highness, and I cannot find words to express my meaning. I respect the American people, and I

thought father, that you, with your gray hairs, would express something more explicit than you have made known this evening. I do not possess the spirit of hypocracy, and want everything said to be plain, direct, and to the point.

The Commissioner regretted that it was not in his power, with his present information, to come at once to the point, as required by his friend the head chief. As I said the other evening, I do not speak with forked tongues, and am not the man to deceive my red brethren; but, until they /335/ settle their respective interests among themselves, it is plain I cannot talk with that frankness and directness which is my habit, and which I would like. I might, the other night, have made a proposition but for the want of knowledge of the respective interests of those represented here to night, it might not be just. When the Pillager and Mississippi bands shall have settled these things among themselves, and stated the extent of the reservations which they desired, I will then be abe to act understandingly, and will be able to act understandingly, and will make a proposition. I hope, under these circumstances, that my friend Hole-in-the-day will see the propriety of my course, and the reasons which have influenced my conduct.

Hole-in-the-day My Father misunderstands me. I did not mean to impute to him a design to deceive us, or a want of frankness; but I think he should have given in a general idea of what he wants us to do.

The Commissioner said his friends of both bands can define their boundaries, and describe what know of reservations they desire. should there be any difficulty in their

doing so, he would do all in his power to produce a proper understanding between them. /336/

Hole-in-the-day. We understood all that before. All we want is a fair understanding. I may have uttered some words, father, which you do not like, and you may have said some things which we do not like. Both should act in a forgiving spirit and if such has been the case, let those unpleasant words pass without bad feeling. We have said enough, and will now retire. We all fully understand what you want, and now is the time for consultation and reflection.

The Commissioner said when they had decided among themselves about their boundaries, etc, he would have some figuring made on the map, so as to make the matter plain and easily understood.

Hole-in-the-day. That is just what we want. We will select two men inform each band to come up, after we have deliberated, to mark out our boundaries, and the land which we want reserved, and hoped those selected will be acceptable.

Buffalo. Look in our faces, father, and say if you think we look like enemies? We are not enemies, father; we are brothers. We can, if necessary, deliberate upon your words this night, without sleep, but we would prefer to have time to think.

Commissioner. That is not necessary. /337/ I do not wish my red brethren to lose their rest. Want them to take the necessary time.

Buffalo. What time does our father rise in the morning?

Commissioner. I rise early enough to shave every morning before daylight; and, I presume, will be here tomorrow before Hole-in the-day gets out of bed.

Hole-in-the-day. Father, I am a young man, and want not enjoy myself and take my ease. Our father is an old man, and does not. That is the difference.

Commissioner. Your father has to rise early to work for and take care of the interests of his red children.

Hole-in-the-day We are rejoiced to know that he takes so much interest in our welfare.

The delegation, shaking hands with the Commissioner, then departed for their lodgings.

/339/ INTERVIEW BETWEEN THE COMMISSIONER OF INDIAN AFFAIRS AND THE PILLAGER AND WINNEPEC BAND OF CHIPPEWAS ON SATURDAY MORNING FEBY 17, 1855

These Indians, of which there are upwards of 2,200 exclusive of the Red lake Indians, live in the northern borders of Minnesota. The object of their interview this morning with Col. Manypenny was to make a treaty for the sale of their land to the United States. After a [desitory?] conversation amount themselves, their principal chief, Flat Mouth, in reply to the enquiries of the Commissioner, said:

My father and friend, I am glad you have come right to the point. My reason yesterday in pointing out the limits of our boundaries was to show you the country which you ought to have, and not to state precisely what our bands claim as a right. We are not like the whites. We

differ among ourselves in respect to our boundaries. Our ideas, owing to our ignorance, are conflicting. We intended to designate what we want to cede. If we sell, we do not want to part with all.. We want reserves to live upon at Lake winnepec, Cass lake, and Leech Lake. We feel that as we have yet the control and possession /340/ our our own lands, We should not part with them without reserving a home. we had better not be without in existence than not to have a place we can call our own.

The Commissioner asked them if reservations at those places would be satisfactory? They responded yes. He also asked them if they desired a reserve at Otter Tail Lake [they replied that if they had desired one there, they should have mentioned it]

The Commissioner then informed them that he was prepared to make them a proposition. He would do so frankly, and hoped it would be acceptable. He proposed to pay them an annuity of $20,000 a year for 30 years, the same to be paid either in cash or part cash and part goods, as the president might judge best for their interests; to furnish them with two blacksmiths, and tools, iron, steel, etc for ten years; to erect a saw mill, with portable grist mill attached, and to furnish them with a miller for ten years; to give them at the first payment, a present of $10,000 in guns, traps, blankets, hoes, etc.

The Commissioner explained the reasons for limiting the services of the blacksmith and miller to ten years. At the end of that time, he had every reason to believe his Pillagers and Winnepec friends would have made such progress in civilization as to be enabled to attend to their own business, that by that time, they would /341/ raise

up millers and blacksmiths of their own. It was bad policy for the Indians to rely upon others for what they can do themselves, and concluded by asking if they could repeat the proposition, and if they fully understood it?

Flat Mouth. Father, I do not desire to repeat it, but we have reflected upon, and fully treasured up all you have proposed, and understood now, for the first time, what we were sent for.

The other delegates identified the same thing.

The Commissioner explained the reason why he wished to reserve to their Great Father, up at the White House, a control over the manner in which the annuity of $20,000 was to be expended, either in money or agricultural implements etc as to him might seem best of the interests of is red children. He himself preferred it should be paid in money as soon as they knew how properly to take care of and appropriate it, because the sooner they were thrown upon their now resources the better for themselves. Until that time arrived, however, and until they displayed sufficient capacity, to trade and manage for themselves he wished to reserve the right to their Great Father of expending a portion, at last of their annuity in opening farms, buying agricultural implements, etc. The Commissioner then caused the provisions of the Omaha treaty of last year to be interpreted for them, to illustrate his views upon the subject. He also informed them that he would reserve the right to survey their land and divide it amount them like the whites.

To these propositions, the delegates signified their assent, and said they understood the matter fully. /342/ The

Commissioner desire to know what they thought of his propositions?

Flat Mouth, after consulting with the others chiefs, said. Father, you can see I am old. I see, father, you are so too, bit I am much older than your any one in the room. We came here to act not for myself alone, but for my associates, and my people at home. You desire to purchase our land, our homes, it is an important matter to us, and I therefore desire time for reflection until Money, morning. Under the circumstances stated, father, you would not think well of us if we were to jump right at your proposition without taking time to consider it. We should study the interests of our people.

The Commissioner, said he was willing to give his honorable friend all the time he could, under the circumstances of the case. Of course, if they asked time until Monday, it must be conceded but it should be considered that the Great Council of the nation, now in session, without whose consent no treaty which they might make could go into effect, had only about twelve working days left. Consequently, whatever is done, should be done quickly. In view of this, he asked if the delegates could not go home, council together, and announce their decision at One o'clock to day?

Delegates. We would rather postpone it /343/ till Monday; but will try and get through as quick as possible, and, if we make up our minds today, we will come here at once prepared to announce our decision. We desire to consult a friend in whom we have much confidence.

The Commissioner said, if they desired to consult a friend in whom they had confidence, he had no objection. It

should be borne in mind, however, that the subject of their negotiations was a matter which concerned himself and his red brethren alone, and no extraneous influence should be brought to bear upon their deliberations.

Delegates. We understand that, and will attend to it. The conference here ended and the Indians took their departure.

/344/ Mississippi Band of Chippewas. Saturday 2 1/2 o'clock, Feby 17, 1855

/345/ The Chippewa band of the Mississippi, resumed their interview with the Commissioner, according to appointment.

A map of the country, owned by them, drawn by Capt. Eastman, was brought forward and examined.

A letter from the Rev. Mr. Breck, an Episcopal missionary at Long Prairie, was handed to the Commissioner, and read, speaking in high terms of the character and conduct of Bad Boy, one of the delegation. Maj. Harriman their agent, said, notwithstanding Bad Boy's name, there was not a better Indian in the tribe.

The Commissioner explained to Hole-in-the-day the number of acres in the tract which he was desirous of purchasing, which Paul A. Boileau, the interpreter said I was difficult to make them understand, owing to the large quantity of acres in the tract. By dividing the numbers, however, he finally succeeded.

Commissioner. Where do you wish your reserve if you sell your country?

Hole-in-the-day (pondering thoughtfully,) said Father, you ask us where we want our reserve set apart. This question implies that you want to buy our land. Do I understand you?

Commissioner. Certainly, but I want you to have /346/ a home.

Hole-in-the-day We did partially understand, but now we understand fully what you want. Before we commence to trade, father, ; let us lay dignity aside. Will you allow me to look at you as a trader? As you want to buy my land, I must be excused if I look upon both of us as speculators. I desire to act in this matter as a business man and lay all dignity aside. You have just now told me the number of acres I won, and, of course, when men trade for land, they are in the habit of asking or offering so much per acre. now, what are you willing to give per acre?

Commissioner. The statement as to the number of acres in the midst of your reserve, refers to the water as well as the land. How much water is there on it. How many lakes?

Hole-in-the-day Although, my father, there is a good deal of water, there are a great many fine sights upon our rivers and lakes. I do not know how many lakes, but there is not too much water for the land, or for the convenience of those why may settle upon it hereafter. You need have o kind of fear that the water will run short, or that there will not be always sufficient to cook by or wash with. I think the water upon the land is well proportioned. There is plenty of fish in the country, and you know father, fish must /347/ have water to live. They cannot get along without it.

Commissioner. I propose to make a round offer of a certain sum, to be paid in a given number of ears.

Hole-in-the-day I have a general idea of the way the whites do business. I want to know how much the country we occupy is worth in your estimation.

Commissioner. It is worth, in yearly payments, say from $250 to 300,000 or 250 boxes of a thousand in a box.

Hole-in-the-day. Do not joke with me, my fried. I wish you to be serious, and I want a fair understanding. I want to ask you should be be thrown out of our possessions, and you should take all the land, take all the water, take the grave yard of our fathers, in $250,000 in all the land is worth.

Commissioner. Yes, I think so.

Hole-in-the-day (Laughing) Our father is very stingy!

Leaving business aside, and rendering it as one of natural feelings, every one knows that there is not a Indian tribe in America but what calls you their "father." This being the case, what should you do in dealing with your red children? The natural feeling of a father is to try and help his children, and leave them on a legacy enough to save them from want, and enable them to live after him. /348/ See the Indians here. We all have fathers, but you are the only person living who we call father in common. it is in this view of the case, that we appeal to your liberality and good feeling on behalf of your red children.

Commissioner. If you were my own children I would not think it an advantage to give you more than you could manage and judiciously use. Labor, after all, my friend, is

what makes the man. It is no advantage to leave children a large unproductive estate.

Hole-in-the-day. Father, it is true, every word you have uttered is true. It is not often advantageous or profitable to leave children a large estate; but tis not money, is not means, necessary to the civilization of those who have everything to learn?

Commissioner. Labor is the great thing to make men prosperous and rich.

Hole-in-the-day. Father, It is very true labour is the man thing. Everything shows it that we have too much land; but those destitute of means ought to get enough to start on. Nothing can be done without money. Our father told us we had land which was of no use to us, and that we had plenty of money locked up – more than we wanted. Why, then, not act liberally and give us out of his surplus means plenty of money for our land?

Commissioner. It is true, my friend, has land /349/ which he don't work, and is therefore of no use to him. I want to buy a part from him and pay a fair price for it. It will be his interest to sell, and the more money he gets, the worse it will be for the future of his tribe, because nothing but necessity will drive them to work.

Hole-in-the-day We want to dress like whites. We envy them their comfortable clothing. We want to adopt their habits and customs and desire to have the means to accomplish it.

Commissioner. I am glad to hear my friend say so. I feel confident the Indians can adopt and imitate successfully

the habits, manners, and customs of their white brethren, and I am anxious to do all in my power to aid the.

Hole-in-the-day Very true. Father, you can see by one part and present conduct what we think of our Great Father. Whenever Commissioners have been sent by him into our country to treat with us, we have invariably sold him portions of our land. We know what to sell the residue to our Great Father, that he may lie satisfied, but we must be satisfied too. Our whole conduct shows our affection for our Great Father.

[Here the Indians and others conversed a few minutes when] Hole in the Day resumed: Father, the words I /350/ have expressed are just my views. I have said a good deal, and may have been tedious, but I am like a man travelling through snow, who clears it away with his stick that he may the better pass.

Commissioner. Have you got the snow cleared away yet.

Hole-in-the-day Pretty nearly, but I want now to hear the Commissioner's views.

Commissioner. In addition to what I have indicated, I am willing to furnish a blacksmith and black smith shop and a mill and miller, and to support them for a few years, but I want the Indians to be their own blacksmiths and millers after a while. I want them to learn every useful trade and avocation like the whites, and to do this their own labor.

Hole-in-the-day Father. The reason why I desire to hear you speak is, because I want to get a general idea of matters and things, so that, after having your views, we may retire and deliberate among ourselves.

The Commissioner explained the nature of his proposition, in a series of detailed remarks. He proposed to give them for their land a quarter of a million dollars, /351/ [1 word illegible] out into a series of annual payments, and a mill, miller, blacksmith shop, blacksmith, iron and tools for ten years, besides breaking up some land, say 3 or 400 acres of land. The first year, I shall provide for an additional present of $10,000 to be expended in guns, traps etc. I think at the end of ten years, the Chippewas will have some blacksmiths and millers among themselves, a and that is the reason why I deem it impolitic to provide for their employment any longer. No one will work as long as he can get somebody also to work for him. do you understand these propositions?

Delegates. We do, every one of us.

Commissioner. I have no objection not your advising and consulting a friend, if you chose, in reference to these negotiations; but outsiders should not be made acquainted or permitted to interfere with them while they were pending.

Hole-in-the-day I understand. One trader has one mind, and another another. People will differ about such matters.

Commissioner. As I said before, I have no objection to your consulting a particular friend in whom you have confidence.

Hole-in-the-day. Father, we will not be influenced by any body. Here are the people [pointing /352/ to the Delegation] who are to be consulted. When they are pleased, that is enough.

Commissioner. I did not suppose you were so influenced. There are a great many curious people in the world, who try to find out and intermeddle in everybody's business, and my object in saying what I did, was to put you on your guard against such persons. I would like to know when I may expect a final answer. The Great Council of the nation has only about twelve working day more left, and, whatever is done should be done in time to enable Congress to act upon it.

Hole-in-the-day. We will give a final answer on Monday next. I would like to know how the Commissioner has got along with eh Pillagers.

Commissioner. They also, will give an answer on Monday. I resume there will be no difficulty in so arranging it that both parties can get a hearing on that day. I will get my scribes to work on both treaties, should we be successful in making them, so as to avoid delay.

Hole-in-the-day Father. I understand that the value of gold is not now what it was in former days owing to the great quantity discovered all over the world and that white money, being scarce, is more in /353/ demand as you will probably pay us in gold. You should therefore give us a good price.

Commissioner. Want you say is very true as to the discovery of gold, but it is not all coined into money. It is so plentifully used for ear rings, breast pins etc, that there is no danger of its falling in value. This being the case, my friend need have no fears on that account.

Hole-in-the-day Father, what you say is very true. I had an idea at one time that gold was a mark of distinction

among the whites and that all those who wore it were great people. I have lately found out, however, that those who wear the most gold on their persons were the least thought of.

Commissioner. Hole-in-the-day has said what is very true. those who wear the most gold are seldom our greatest people. Great People prefer simplicity of dress. On tis account, I want my red children to abandon their foolish ornaments and live and dress like sensible white people.

Hole-in-the-day., That is the reason why we want means. We desire to quit wearing blankets, which, when they blow open, expose our purses and every thing we wear. If we /354/ had clothes like white people, we can't hid away our money in our pockets.

Commissioner. the best way to keep money in the pocket, is to open farms, cultivate the land, and sell the produce. the white man gets wealthy by labor, by the legal or medical profession, or by the mechanic arts and industry. That is the way the white man makes money to support himself and family, besides putting money in his strong box. That is the way, and the Indian should follow his example. The delegates then shook hands and departed for their lodgings.

/356/ Sat night, Feby 17

On Saturday evening (February 17) at 7 o'clock, the Pillager and Winnepec bands of Chippewas resumed their talk with the Commissioner of Indian Affairs upon the subject of selling their lands in pursuance of their adjournment that morning.

The Commissioner, after complimenting them on their punctuality, said he presumed they came this evening fully prepared to announce the result of their deliberations during the day.

The delegates signified that they had.

The Commissioner said, if so, the best way was to lose no time, but to proceed with the work.

Flat Mouth said he desired to tell his father what he has been, what he now is, and how he has been looked upon by the Indians and whites. You seem me here before you, father, and it would be useless for me to attempt to hide my age. My old head and grey hairs tell for themselves. I have seen a great many snows and rains. It is many years, father, since I first became acquainted with the Long-knives (White men). A little before the war with Great Britain, I met them, and they hugged me and killed me, and treated me with kindness, and promised to be my friend. They were also kind to my people. Before that time, I was a British subject. From their kind treatment of me, may be dated my first connection with the Americans. since then, my father, I have been their sturdy /357/ and fast friend [While these words were uttering, Flat Mouth was seated, but he then rose, and in a more animated manner, addressed the Commissioner.] Now to the point, my father, as I must call you, although from the difference of our ages, I might call you my son. I will speak to you plainly. I am not afraid to talk to a white man, because, when I look back upon my life, I can see no black stain on my path, which should make me ashamed to look you in the face. I do not speak with a forked tongue either, although, being an old man, when I talk,

my thoughts may take a different direction from what I intended. We cam here this morning. We had a friendly talk; you gave us further time to consider of your propositions, and said, if we had a friend in whom we placed confidence, we might consult him. We have consulted a friend whom we have known long and well, and with whom we have had many transactions in the past; and he has at our request, put our thoughts on paper. We heart your proposition this morning. We know and fully understand the nature and amounts of your offer. I do not wish to withhold form you what you want. You made us a proposition to suit yourself, but if we put in a little more, you must not think hard of us on that account. You must not feel angry /358/ because you may have to humor us. Do you see me father? When I say a word I stick to it. If my name is not recorded in the annals of history according to the whites, I feel that I am a big man with my tribe. They have witnessed my actions and know me. You can see, my father, from my looks and from the manner in which I address you, what I think of you. I call you father, a name which we as a people give to none among our tribe. We look up to you for protection. If I was travelling and meet person, and that person should be a spirit, I should ask that spirit for what I wanted. if I beg of you a little more money to cloth and provide for my children which I have left back, I hope you will excuse me. They are poor and in want, and deput me to protect their interests and provide for them. This morning when I spoke, I had my head down, because I did not know what I was about. Since then, I went to my friend. He opened my eyes, and I now feel confidence. If I ask more than you offered, it is because I know you are rich, and I have

left children behind who are poor. When I left home, father, I did not know for what purpose I left. Since I cam here, I have found out what you want, and am now coming to show you what I propose having done. Even if your heart was made /359/ of rock, father, if you would accompany me when I return to my home on the beautiful lake where I reside, and see my people coming nearly named to meet me and ascertain what their Great Father has done to relieve their wants, it would move you to pity, and you would excuse me for asking, on their behalf, a little more than was offered this morning. You see, my father, I am taking a great deal of pains to explain because I am about to part with the graves of my fathers; and to sell my birth right, as it were. If I agree to what you offer, I want you to concede something also to my request, so as to lighten my burden, and justify me in the eyes of my people. I had no idea, when I left home, you were so rich, but on my way here I have been surprised at the fine houses and great wealth of the whites, and if you give a few cents more to relieve the necessities of your red children, you will never miss it from your abundance.

I am afraid, further, I am consuming you time, but you must bear with me and listen to the wailings of an old man who has but a few short days to live. He speaks on behalf of his tribe, and hopes you will listen to his words. I am getting through, my father, with my little speech. If you agree to its requests, when you see the Northern lights running this way along the firmament, after we reach our homes, they will convey /360/ to you the shouts and salutation of the pillager band of Chippeways in gratitude for your kindness.

American Eagle next addressed the Commissioner. It is not because I am not bad tempered and naughty, father, that you see a constant smile on my face. My face deceived you, for I am not what I seem. I call you father, because you have the American Eagle on your banner. I am also the American Eagle, for that is my name. when I heard your words, I was working not support my wife and children; but at my father's request, I left them to take care of themselves. Although I belong to a band living some distance apart from the Pillagers, we have left everything to the old man who has addressed you today. My views are just like those of the old man, and if you do as he asks, we will let you have our land. It is a general custom with our people to let the whites make the first proposition. When their traders go into wigwams we enquire how much they ask for the article we want. You are, however, too high for us to place you in the condition of a trader.

There was a great curiosity when we left home /361/ to see our great father, but there is another curiosity which we have not yet seen – Our Great Father. We will see him yet. We have been well treated since we left home by the whites. Those who have accompanied us have also treated us kindly. We have been very troublesome to them but they have bore with us and have given us plenty to eat and everything we wanted; but, since we have been in this city, our Great Father has given us nothing – not even a cake.

Winneskick followed. If you send us back, f father, without receiving our proposition, we will not think the worse of you on that account. But, if you accept, then the bargain is made. You are rich. You have it in your power

to do us a great deal of good. You have only to will it, and it is done. Only think of the ingenuity and power of the whites. On our way here we have passed over railroads with lightning speed and sometimes under ground. The whites are powerful, and can take the red man by the neck like a little dog and throw him wherever they please.

Buffalo said: I have to make my little speech too. I have only about four words to say. I do not /362/ want to throw myself in the way of the chiefs, but will say this: That what they do, will be sanctioned by the bands. Our chiefs have deliberated, and we will stand by their decision. You have told us that that, if we would gain wealth and comfort, we must work with hands, feet and toes. We have worked and have property, but don't by rejecting our requests, scatter the fruits of our labor to the winds. You must remember father, that, that although we are red and you white, there is one above to whom we all have to give an account, and who will not permit acts of injustice to be done without visiting them with his displeasure.

Mizzagarboe. I do not want to say anything. I am this old man's [pointing to Flat Mouth] head brave, and whatever he does. I will sanction.

North Star, (without rising) addressed the Commissioner form his seat. Your hands, father, have been shaken enough tonight, and I will talk without it. I am talking for my chief, and whatever he does, I will uphold. I might say a great deal, but it wouldn't amount to much. We have put our proposition on paper, and have given it to our friend, in whom we have confidence. he has /363/

long been known to us, and is the law giver from the section of country in which we life. If you accept it, father, the bargain is made.

[Upon this, the Hon H. M. Rice, to whom they referred, submitted the memorandum, modifying the Commissioner's proposition. It is understood that it will require a payment of about 3 or 4 cents per acre for the nine or ten millions of acres which they claim.]

The Commissioner. I have done thinking, and will have to close the bargain on the proposition of my old friend. I cannot get over the moving eloquence of the old gentleman's speech and therefore can only answer it by saying that I accept his offer. The amount you will get my friends, under this treaty, (should it be confirmed,) will make you all well off during your lives and your children after you. There is, however, one question to settle yet, that is, the extent of the reservations which you may required for your comfort and support. Tomorrow, being the Lord's day, we want to do any work here, but on Monday morning, we will prepare a paper to sing in accordance with this agreement.

In accordance however, with suggestions afterwards made by the delegation, a paper embodying this understanding was drawn up and signed by the contracting parties in the presence of witnesses, when they shook hands and left for their homes.

/364/ Chippewa Band, Monday Feby 19, 10 o'clock p.m.

On Monday, February 19th at 10½ o'clock p.m. the Mississippi band of Chippewas called upon the Commissioner of Indian Affairs to resume their negotiations for the sale of their land.

The Commissioner remarked that he presumed they had fully considered his last talk to them.

Hole-in-the-Day. Father, we have not yet spoken to you frankly, although we have had some very good talks. Father, we have made up our minds to one thing; your offer is too small. The payments you propose will not be sufficient to give us a start, and enable us to support ourselves while preparing to live like the whites. A great many of our children are so young that they can never receive any benefit from the payments which you propose. The only difference between us is, that you do not offer us enough. You see, father, how we are situated. We want to change our habits and customs and live like the whites. How can we do this, without the means to start upon and carry out your views? My father, it is with no ill feeling that we differ from you in this matter; but we must look out for our young. You want us to work, to change our habits, and like the whites, and I see the benefit of your advice, and so do the chiefs. I appreciate every /366/ word you say from the bottom of my heart, but if we begin a task so difficult, we should have enough to start upon to prevent failure hereafter. You will see, my friend, by summing up closely our members and considering the various purposes to which the proposed annuities must be applied, that they are entirely inadequate. If you would change our habits, you must not withhold the means necessary for its accomplishment. You must give us enough for a fair start. We do not want money to

squander upon paint, ornaments, or other trifling objects, but to purchase articles of necessity to give us a fair start. We will leave it to yourself, father, as to what is right. We know you have a good heart. We are not so ignorant but that we know those who are our friends; but the means you offer are too limited to enable us to carry out your benevolent intentions. That is what we object to. The way we agree the matter is this: The thing we are about to do will make us either happy or wretched forever. It is therefore a subject which should be fully understood. You want us to be civilized – to adopt the manners and customs of the whites, but before this change can be effected there must be a dog many things provided. Had we had experience in cultivating the soil, and some acquaintance with the arts /367/ of the whites, industry might do, but as we have had no such experience, nothing but means can insure success. This is all I have to say for the present.

The Commissioner replied that it was a poor reliance to place confidence in money to produce civilization or anything else. Give me plenty of money, and I will not work. No one will labor unless necessitated to do so. Still I understand and appreciate the motives of Hole-in-the-Day. The Indians have great ideas of annuity payments. With them it is annuities, annuities, annuities, all the time. It is doubtful, so far as their civilization is concerned, if it would not have been better for the Indians if they had no annuities. They would then rely upon their own exertions. As it is, they rely entirely upon annuities. I am, however, willing to hear what my red friends have to say, and will be glad to hear my friends have to say, and will be glad to hear them advance freely their views.

The other day my friend Hole-in-the-Day said we were to treat with each other as speculators. Now, then, I have made my proposition, and I want to hear what he has to say.

Hole-in-the-Day. It is true that the other day, I spoke about speculators; but, in the mean time, I know, father, you cannot throw off your dignity, and assume the character of a trader. Your main object is to civilize the Indians and you /368/ cannot make a hard bargain with us without defeating your views. It is very essential that when we act in the matter, we should have a clear and full understanding. It should be like a mechanical business, where when the house is half finished, it may be so changed and modified as to give strength to uphold its load. We must ponder well upon it, so that we may be eventually benefited.

[Here the delegates asked time to deliberate among themselves, and at their request, the room was cleared of all but the Commissioner. Having got through,]

The Commissioner informed them that He was now prepared to hear the result of their chat.

Hole-in-the-Day (first shaking hands,) thus addressed him. I call upon the Master of Life to hear the words I am about to utter. I am about to talk respecting the property which I own. The Master of Life, who has made this world, has put us here. He has made very thing we own for our benefit, that we may profit by it. Every man living may thank the Master of Life that he has placed him here, and given to him the means of making his support by his own exertions. Father, you now shall hear me upon the subject of the sale of my land. I am now coming to the

point. Father. I am but poor and ignorant in my estimations. I have not the power /369/ to express myself. I cannot overestimate myself. When I look all around me to the four corners of the earth, and at every thing within my sight, and reflect upon what we are and have been, and what the whites are, I cannot but feel that a great weight of responsibility rests upon me in what I shall say and do on the present occasion. It is seven years ago since I first took my present position in my nation; it is seven years ago since I first headed the band here. It is seven years ago, since I first began to exert myself for my people's advancement. In this, I have had the assistance of some annuities, and the assistance and advice of the whites. In thinking over the matter, delegated to us, we have brought them like mechanics, to perfection. We know the wants of the Chippewa nation. No one knows them better than ourselves, and we cannot be blamed if we look after and take care of our own interests. In looking away further back, considering the Indian habit of living, you must admit that we know our wants better than any one else. You see, my father, I have taken a great deal of pains to explain what our situation is. We desire to convey to you our own ideas. My father, your name is the Long Knife. We call you father, because we look up to you for protection. Now listen to what I shall say. You see us here. We the Chippewa Indians. We want you to be /370/friendly., We do not want a mock show. do not look upon us as you would upon the English. We are your children. We do not live outside, but within your nation. We are your friends. Why then look upon us as a foreign nation? My father, we want your friendship. No use of making of us a mock show as a seperate nation. We want

to give ourselves up to your government. We want to cease to be Indians, and become Americans. We want to be citizens, and to have the right to vote. all we desire is to imitate the whites and to follow their sample. We want to live as they do. You should look upon us as your children. A thin veil hides us from your view. Remove that veil, and see if we are not as good Americans as the whites.

[After some consultation with the other delegates]

Hole-in-the-Day resumed. Father, we want to be citizens, and treated like the whites; and, if you grant our request, and you should have a fight with any other nation, you can call upon us, and we will form a portion of your militia. We know how to fight, and will stand by you. We want the right of sufferage, the right to vote, to be subject to your laws, and have set our hearts upon it. Grant our requests, a and you will find that we will be up to our words. We might talk until we die, we might speak a hundred years, but we /371/ can plainly see that we can never be any body until we become American citizens. I hope, father, you now understand our views.

Commissioner. I understand them very well and am happy to learn that the Chiefs have turned their thoughts that way. They desire to be made white men and citizens by their Great Father; but the matter of making voters does not belong to Congress; that is a thing which must be done by the states for the territories. Minnesota can, if she chooses, make the Chippewas citizens, and as soon as they understand their rights and duties, and the obligations which citizenship imposes, she doubtless will do it. I will do all in my power to prepare you for that purpose

by imparting to you a knowledge of their duties and the arts of civilized life.

[Hole-in-the-Day here moved his chair from of Paul A. Boileau, the intelligent interpreter, for the purpose of having the process of making citizens explained to him, and judging form his numerous enquiries, seemed to take a deep interest in the matter]

Hole-in-the-Day. The Great Council can enact such laws as will bring that t about hereafter, the right of voting.

The Commissioner assented. For the Chippewa will act up to their promises, the time would /372/ soon come around when they would be invested with the rights of citizenship. He hoped to live to see the day when Hole-in-the-Day himself would be in the Great Council of the Nation.

Hole-in-the-Day. I have no doubt of that.

Commissioner. Such things depend among the Indians, as well as among the whites, upon the conduct of the individual. some whites start in life with plenty, but soon squander it; whilst others, starting with nothing, by their industry, energy and intelligence work themselves into the highest positions, even into the White house itself.

Hole-in-the-Day. I understand all our father has said. We have heard these things before. You told us that time was short the other day, and we had better proceed to business.

[Those not connected with the negotiation here retired at the suggestion of the Commissioner]

The Commissioner suggested that Hole-in-the-Day should begin the talk.

Hole-in-the-Day. Said he wanted a clause put in the treaty providing for the Chippewas becoming citizens, and that they should be governed by the laws of the United States.

Commissioner. I shall prepare an article looking to that object, such an article as be supposed the Senate would be willing to adopt.

Hole-in-the-Day. We want your assistance /373/ to carry out these views. You call us your children, and must humor us. I want you, father, not to listen to what others said in opposition to these views. You must shut your ears to adverse counsels. You look like a man who have your own notions and are determined to carry them out.

The delegation having consulted together for some time, Hole-in-the-Day asked when the Commissioner could see them again?

The hour of 4 o'clock was fixed upon and the delegation took their departure.

/374/ Mississippi Band, Monday evening, Feby 19, 1855, at 9 o'clock.

/375/ The Mississippi band of Chippewas, according to appointment, resumed their negotiations.

The Commissioner congratulated them upon their punctuality in appearing so close to the hour designated. Although, Indian like, they were a quarter behind it, yet it did very well. He hope they were ready to come to the point.

Hole-in-the-Day. The time has arrived, my friend, when your red children are perfectly at a loss what to do. Not that they can not talk and express their wishes, (for generally, the Indians have plenty of gab,) but there are, in places of this kind something which debars their acting with promptness. I am an Indian of very little understanding, but I know what my people want. Father look at your red children, give them time to reflect. Those who have had experience know that all they can do is to bow down their heads. You can see my father, want point we have come to. When we look upon these cities, their fine buildings and the numbers and wealth of the whites, and reflect upon what the Indians have been, and upon what the whites have come to, we must have time to /376/ reflect, for meditation is every thing with an Indian. When we vie the past and reflect upon the fact that the Indians once owned the land covered with these cities, when we think of our former treaties and past transactions with you, we understand what was your object in sending for us, and what you intend to do with us. When, in view of all this, we come to make a new treaty for the sale of all that is left of our land, and to change our habits of life, we ask will it be our ruin or will it not. Under these circumstances, we are compelled to reflect. Father, be patient with your red children. Let us take time to consider, and have a full understanding. We look at everything. We are not near so ignorant as white men think us to be. When we view the country once owned by the Indians, we feel like a wild beast driven into a hollow tree where he can't get away. That is the way, father, we now feel. You may think, my father, from our hesitation and plainness of speech, that we have not a proper

respect for you. This, however, is not the case. The matter is important to us, and if we cannot come to a conclusion, give us a little more time. It is for these reasons that I have uttered what I said just now. It is twenty years past since we made the first treaty. Since then we have made several /377/ others, in which we have parted with most of our land. We have not bee well treated, and experience shows that we should be very careful before we make another, for the final deposition of our land. We don't hold the land now from you. We therefore have it in our control, and before we give up our rights, we should be careful. We do not mean to intimate, father, that your intentions towards us are not good, that you do not mean to do right but us. As I said before, we have, through experience, learned a lesson, which teaches us to ponder well before we act. You cannot then blame us if we do not come right to the point.

Commissioner. I want you to take time enough to be satisfied in your own minds. How much more time do you think it will take?

Hole-in-the-Day. We will not detain you much longer. We will smoke over it again; and tomorrow at 9 o'clock, will give you our terms.

Commissioner. Said very well, and the delegation took their departure.

/378/ Mississippi Band, Tuesday Feby 20, 1855, 2 o'clock p.m.

/379/ The Mississippi band of Chippewas, according to appointment, again waited upon the Commissioner who

said he had waited upon them since 9 o'clock this morning with ears open to hear what they had to say.

After consultation among themselves, the Hon. H. M. Rice of Minnesota, was to requested to talk for, and on their behalf. Mr. Rice said they were the first Indians of the North who had expressed a desire to have such measures taken as to induce them to become white men. They were convinced that this was the only thing which can save or satisfy the tribe. They wish to have their means in their own hands like the whites. They desire to become white men, and felt satisfied that they would succeed in a few years, if at all. If at the end of that time they don't succeed, they think it would be useless for the government to attempt to do anything for them. They wish in the first place, as far as that can be done here, to be placed upon he same footing as a white man, and leave the balance with the legislature of the Territory of Minnesota, as to the proper time to make them citizens and enable them to enjoy its benefits. In order to accomplish the object at Lake superior, last summer, they proposed to give up all their rights to their country; and they wish to have their farmers, blacksmiths [rest of line illegible] /380/ upon them for their compensation: they want the present system done away with. It is true, the system costs the government a good deal; but farmers, blacksmiths and their employees have their favorites among the Indians. Those they like they will do every thing for, and for those they don't they will do nothing. they want it fixed, so that mechanics and others who choose, may go and establish themselves on their reserve. Their annuities will soon cease, and this is the last treaty they will have to make with the government. At this, then, their

last chance they hope you will help to lift them out of the mire and place them on dry ground. They desire to make farms, buy cattle and stock, and they want the means to do it. In order to carry out their object and explain their views, they have put down on paper what they think will do. They hope you will not be limited in this matter by what you may think the value of their land, but will consider what is necessary to enable them to change their habits and make them good Christians. They wish to have conferred upon them the rights of citizenship, so far as you can do it, and the territorial legislature can furnish it. [here Mr. Rice entered into specific details of the various items asked for.] Should you think this too much /381/ they ask you to look back to former treaties, and consider the great quantity of land which they have ceded, and the small consideration paid thereafter. They want their fathers, in these negotiations, to look back as well as ahead, and consider the circumstances of their treaties and connection with the government. This is the result of their council this morning. they wish it fixed so that blacksmiths, house carpenters etc. may be left free to go to their country, and be employed and paid by themselves. They also ask the right and privilege of buying and selling government land like white persons, and will receive hereafter the places where they desire to receive their annuities.

Commissioner. Want extent of reservations will they want?

Mr. Rice. They have not had time yet to consider that. Whatever you may think right, and are willing to concede to them.

Comr. I would very much to accept their propositions, if I could do so with propriety, but I consent to do so without further reflection. I will, however, take them up, examine them, and see how far I can go in relation to them. I shall take a little time to consider them, perhaps until tomorrow morning, but, if I determine sooner, I will send for the delegation.

[Clement, the brother of Paul H. Boileau, acted as interpreter during this interview]

/382/ The Pillagers and Mississippi bands of Chippewas, Wednesday, 7 o'clock p.m. Feby 21, 1855

[pretty sensible talk]

The Pillagers and Mississippi band of Chippewas, a according to appointment, appeared to consider the treaty which had been prepared in pursuance of the understanding had with the Commissioner.

The Commissioner read the treaty by sentences and it was interpreted by Paul H. Boileau, with the explanations which were made of its provisions.

Hole-in-the-Day. We have been always very prompt in coming forward and stating what we want. We have made our terms, and what more could we say? When we came to the point in which it was necessary to act, we thought of a friend whose advice we desired to have. We mentioned the fact, and you said we might consult him. We did consult him, have made our proposition, and put it on paper, and, if it is accepted, we shall stand by it. My father, why do we call you father, and you call us children? It is because you are appointed to protect and watch over our interests. When we make a proposition

which will drive us to work, and compel us to change our habits, why don't you accept it? Accept it, father and you will find by the result that that is the /384/ way to bring us Indians to work. A word of truth, my father, never needs any proof. Take your rolls, and see how long we have received annuities. Come into our country, looks at our condition, and see how we have profited by them? Thousands have been expended in annuity payments, and what has it benefited us? Before these payments commenced we were better off than we are due now. We then hunted and relied upon our own exertions, and our traders furnished us in exchange for the fruits of our labors, enough to supply our wants. Father, we were never in a state of poverty until after we received annuities. Why were we fed and clad then as well as now? We had to work in our honorable way; we had nothing else to depend on; that was the reason. I have no fault to find with the articles of the treaty just read except one.

Commissioner. Want party of the treaty do you find fault with.

Hole-in-the-Day. I find fault with that portion of it which continues the practice of employing blacksmiths, laborers, schoolmasters and farmers by the government. We have been constantly paying money out of our annuities. /385/ to these persons, without receiving any benefit. It is a useless waste of money, which should be be better employed for the same objects under our own direction.

Commissioner. I think we can obviate these objections and get all right. I do not want not employ blacksmiths, farmers, etc for you any longer than till it shall appear

you and competent to get along and manage your own business. The clause is conditional. I am willing to compromise the matter, and strike out all but teachers. I do not mean by that missionary teachers. I refer only to such as are capable of giving instruction in education, etc.

Hole-in-the-Day. The teachers who have been sent among us have never done us any good. They seem to care about nothing but their salaries. H. M. Rice said, that was literally true. he did not know of a single Indian who had been educated by them, notwithstanding the large sums expended out of their annuities.

Hole-in-the-Day. Listen, father, to me one minute, and I will make you understand what I mean. In all our treaties, there are /386/ provisions made for laborers, blacksmiths, teachers etc, and we have expended a goodly amount of them. It has done us no good. It is very essential that Indians shall be thrown on their own resources. The country is getting scarce of game, and we cannot get along without changing our habits. We have tried the old syste, and found it wanting. We should therefore try a new one. Under the old system, we are sinking into ignorance worse than ever before. You can see the reason of this. Our people are getting to know the use of money, and when they see a person working for them, they say there is no use in our doing anything for ourselves. They say here is our servant, here is our slave. We pay him to labor, why then shall we work when he works for us? With the exception that it does not do away with this practice under former treaties. I have no objection to the articles of the proposed treaty. I have studied its provisions. the Indians have given away all, and leave

themselves no alternative, but to work. They know under the proposed arrangement, they must work or starve.

Commissioner. I am willing to do away with the employment of men to work by the Government, but I want something reserved for educational purposes. Dont you, Hole-in-the-Day, feel the want of education? Would you not, for instance, like to /387/ know how to read this paper [holding up the draft of the treaty?]

Hole-in-the-Day. Father, it is twenty years since we began to receive annuities. Refer back, and you will find these stipulations for the employment of laborers, teachers etc. They have done us no good. We have remained long enough in ignorance, depending upon others, and we now want to try and do something for ourselves. You will see that for twenty years money was appropriated for education, but what good has it done us?

Commissioner. How can you educate your children, without some such provision is made for the purpose?

Hole-in-the-Day. In looking back, father, on the part, I can see nothing to blur the views which I have expressed. So long as we feel confidence in annuities, we think we have nothing to fear; but, under the proposed treaty, the Indian knows he has something to fear, because he will soon have nothing to expect, except from his own industry. This transaction here is calculated to make an Indian think. If he looks ahead, and looks back twenty years, he will then see what he has profited by the annuities, a and what he may expect from the future. It will teach him a good lesson. The little pieces /388/ of land we get by the treaty will, in twenty years, be our only resource, and these we will improve and beautify by our exertions. In

twenty years our annuities will cease, and then we will have nothing to rely upon but our own labors. Emigrants are coming amoung us. They want be satisfied with the land now open for entry, and we cannot resist their encroachments, if we would. We should therefore prepare for a state of things which we cannot avert, and settle down like the whites. Father, as to education, I am in favor it as much as nay one. I know its value, and feel its want; but, if I wish to educate my children, I can take my own money, and employ my own teacher. I want to educate my children, father, the reason why I have said so much, is that I am anxious to explain my motives, I want a good pile of money to start upon. A good start is an important point. We are all fond of our children. We know and feel the necessity of education; to effect this, we must have means. A lot of us get together, and we say our children ought to be educated. To effect this, all know we must have a teacher. We employ such an one as we think will sent; We will then have him under our control, because there is no other influence not operate with him. There is a schoolmaster in our /389/ country, but I want the privilege, if I don't like him, to employ another. Your poor red children understand well, from experience, what they want and to explain this has been my object. Do you understand me father?

Commissioner, I understand you fully.

Hole-in-the-Day. We have traders in our part of the country. They generally come from New York. They show us their goods, a and we buy them if we like them and want them. We desire to have the same privilege with regard to teachers. If we like them and want them, we will employ them, and not otherwise.

The Hon. R. M. Rice said the half breeds among these Indians and generally educated man, but not one of them is endebted for it to government schools. This he added shows the necessity of trying the voluntary system, as Hole-in-the-Day suggests.

Flat Mouth. Father, listen not me for one moment. You would never have seen me here, at may advanced age, if I had not had assistance. The half-breeds took me form my home, and hauled me along to the agency. I am pretty old, but I am not without shame, or I would have returned form the agency. Had I not found friends there, I could not, my friend, have dome here. I do not hear /390/ very well, but there are persons with me who fully understand. I see what you give me. It is just what you promised. I am pleased. Whenever I speak. I speak to the point, and when I agree to anything, I stick to it. I am very glad to meet you, my friend. I have agreed to what you have done, and it would be unbecoming in me to change my words. I would not honor your [1 word illegible], or my associates, if I did. I have already put my name on a little piece of paper, but I will sign that which you have just read to make it stronger. You are high and honored among your fellow men, or you would not have been appointed to make treaties with your red children. Your own now, by this treaty, to the line. I have agreed to that. My friend, you have not much time to talk; and all I need say is that my word is as good as law, and my hand will go to that treaty. I have one thing to ask. I feel highly honored by having been looked upon by you and by my friends as worthy of taking part in this transaction. In throwing everything into your hands, father, I see I have done the best for my people, and that I have not been

deceived. There is another point, you may think, father, the traders will cheat us. They won't do it. We will not permit them. We will take care of ourselves. I am a very old man, but am a great hunter yet, and don't owe a man on earth a cent.

/391/ Buffalo. Father, it is hart to get me to understand anything. Sometimes, I have a man talk along time and I can't understand anything he tells me. I signed a paper here, too, the other evening, for a certain amount, but there are too many things in the paper, just read for me to understand. Father, I just want a little time to consider and reflect upon it, so that it may be explained and fully understood. We will help each other, and will go home for that purpose.

Commissioner. I do not want you to sign it to night.

Hole-in-the-Day. Father, you have heard what I have told you. I won't flinch from what I said. I consulted my friend there (pointing to Hon,. H. M. Rice) and he put down on paper what we wanted. He is an Indian now, but won't be an Indian any longer, if he flinches from what has been done.

Commissioner. I agree to all your propositions in the main, but I cannot consent that you shall have the right to apply all your funds, without any reservation whatever for education. You talked about working, Hole-in-the-Day! Why, I felt your hands just now, and I find it as soft as any lady's hand in Washington. I, however, admire your ideas about the necessity of working, and hope you will stick to them. It is a good resolution. I have no objection to your hiring your own teachers, but there

must /392/ be a fund reserved applicable to that purpose. Go home, my friends, and consider of it.

Hole-in-the-Day. Father, you must not misunderstand us. We have no objection to education. I told you we wanted to have our children educated. We also want schoolhouses, but as to teachers, such as we have had, we know too much about them. We object to have teachers, whom we don't like forced upon us. they come, not to teach, but to get money and have their ease.

Commissioner. We will try and have the evil referred to, corrected. Suppose, however, we set apart the fund, and let the Indians employ their own teachers. HOw would that do?

Hon. H. Rice. I think that is a good idea, and will be acceptable

Hole-in-the-Day. Hole in the Day. Father, if you want to have us educated so bad, why dont you take some of your won money, instead of ours, and sacrifice it in upholding the present system.

The delegation then took their departure.

/394-396/ Journal continues with a meeting with the Pillager and Mississippi Bands. Flatmouth and Buffalo are asked stories about one of their famous story tellers. No treaty business is discussed.

/397/ Hole in the Day again expresses concern about government appointed teachers.

/398/ Flat Mouth. Said he came to Washington to make the treaty and certainly will sign it. Stresses the graveness of the matter to the Chippewa. /399/ Requests some

credentials to show at home indicating his status in Washington. Wants to leave it to his children. Wants the person who pays the annuity to comply strictly with the treaty. /400/ Will sign treaty and will be satisfied if get the $10,000 in goods to bring home.

/402/ Meeting, Thursday, 8 March 1855, 11 o'clock a.m. Mississippi Chippewa met with Manypenny. Hole-in-the-day spoke. Commissioner chided Hole-in-the-day for wearing one red legging and one black and old shoes. Hole-in-the-day said he could see Manypenny thought him a regular curiosity, that it was, however, "Democratic to wear old shoes!"

/403-405/ Hole in the Day asked if the treaty had been ratified. Since Manypenny and Rice had not heard any news, he thought they should not talk any business. Manypenny disagreed. He said he believed the treaty would be ratified and that they should deal with the matter of payment to traders. Amounts were discussed.

/406/ The half breeds present thought they should be dealing about this part of the payment since it was thier business and not tha tof the chiefs. Manypenny said that he wanted the chiefs opiniosn. Hole in the Day said that the paper was correct as it stood, and that the only misunderstanding was between himself and Paul Boileau.

Boileau spoke up and said that he had told the chiefs it was thier responsibility to deal with the half breed payment. Hole in the Day responded that he hardly knew what to do. Manypenny said he wanted them to take all the time they needed.

/408/Hole-in-the-day said the paper was made after due deliberation. Boileau said all the chiefs should make the decision. Rice-Maker said he had not even seen the paper. Hole-in-the-Day said they had not talked about the specific awards to individual traders but agreed on the total sum.

Manypenny hearing that the individual debts had not been agreed to by the Indians asked if the Indians believed they owned the tradfers these amounts.

Hole-in-the-day said he did not believe he owed the traders that much, but wanted to give them that much.

/409/ Manypenny wanted to examine the individual accounts in council, but Hole-in-the-day said that Indians did not keep accounts. Commissioenr continued to question about the accounts of Lynde, and J. Boileau, D. McDonald, Chas. Oaks, Allen Morrison, D. Fuller, G. Nettleton.

/413/Manypenny asked if there were other traders not represented in the treaty. Hole-in-the-day said that there may be. Many people pretended to have claims even though they did not. Continued to discuss claims listed and Hole-in-the-Day insisted that he wanted them all paid. Manypenny asked if they wanted the claims examined. The Indians did not.

/419/ Thursday, March 8, 1855, 1/4 of 2 o'clock.

Manypenny repeated his questions about trader claims to Flatmouth. Flatmouth said he believed the claims of his traders correct but that Indians do not keep books. Buffalo said the same for his traders.

/432/ March 9, 1855, 11 1/2 o'clock. Manypenny recounted the agreements to pay traders. He warned the Indians that the Secretary of Interior could still make adjustments in the document. Flat Mouth said they may have forgotton some and should leave room to pay them.

/436/ Saturday, 10 March, 11 o'clock. Flatmouth said he had come to tell Manypenny the Pillager Indians want. Want the $10,000 for goods placed in hands of Agent Herriman. Delegates want something to take home with them. Wants a copy of the last treaty. Beleives that the annuities from that treaty are not paid correctly. Manypenny agreed.

/440/ Hole-in-the-day wanted to know when their payment would be made. Said their expenses to Washington were paid, but that the delegates wanted a little money in their pocket.

/446/ Buffalo wanted the payments made in September [document runs to page 447].

Hamilton To Stewart (March 9, 1855)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0018

Letter, J. Hamilton, Lt. 3d Infantry
to
Lt. J. Stewart, Comdg., Ft. Snelling

Letter follows:
[Page 1]

Fort Snelling, Minnesota
Feby. Mar. 9th 1855

Lieut. J. Stewart Comdg.
Ft. Snelling, M.T.

Sir

In accordance with Orders No. 14 dated Ft. Snelling M.T. Feby 22nd, 1855. I left this place in Com*d* of a detachment of 25 men for the purpose of carrying out instructions from you of same date.

On arriving at Minneapolis a gentlemen by the name of Northup reported to me with 4 teams at my disposal. These had been provided by the Governor for giving greater expidition to the command – I accepted three of the teams.

Having left here Friday Morning 23d we arrd., at the upper camp on Rum River Monday 26th at 4 P.M. Here I left my Com*d* and with Mr. Beautineau as interpreter started on foot for M'Cuanaby's Camp on Mille Lake – There the Indians were informed that I wished to meet them in Council next day at Mr. Dory's? Camp where my men were.

On Wednesday the Indians began to drop in early but sparsely – and at 4 P.M. I proposed a Council. They deferred it saying that none of their Chief men had yet arrived – During night much impatience was shown by the young men & it was with difficulty they were detained till morning – At about 10½ A.M. on Thursday a messenger arrived from the Indians

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on the North Side of the Lake saying that if we wished to talk with them we would have to go there. I at once, unknown to the Indians, started a party of 10 men under the direction of Mr. Anson Northup to cut out a road to Mille Lake & detained the messenger in the mean time. At 3 P.M. as the party was about returning I sent back the messenger with word that we would go –

Friday morning early we started doubling our teams, and by noon had Crossed the Lake and were in the Village – Word was given out and by 2 P.M. we were in Council.

Our whole time till dark was occupied in making and explaining merely our demand for the Indians that murdered the two white men on Feby. 10th. The cause of this tardiness is mostly explained by the Circumbeu-tion of Indian orators & garrulous old men, but a serious difficulty that I had to combat at every step was the subject of Non-Compliance with the treaty in the punishment of venders of Rum to the Indians. The reiteration of this charge absorbed so much time that I finally had to stop it with rudeness, stating that I would not listen to it till

after they had consulted on the propriety of Complying with my demand for the Criminals – During the night the leading men were in Council.

On Friday they had come to their Conclusion by noon, and we again went into Council –

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After much talking and hyperbole, we received from their hands two young lads named "Thunder Quill" and "Frenchman" said by them to be guilty of the murder – They were received by me under the promise that they should not be manacled before trial, that they should not be tried before the return of their Chiefs from Washington, and that the Mille Lake band were to be informed of the time of their trial to enable them to be present. There was another of the murderers had been present during the first part of the Council, but in hopes that he would be turned over I did not confine his movements. He however, left during the "talk" and I did not get him. – I might have taken him, but it would have broken up the Council and we would have left in open hostility – I afterwards did all I could to get him and would have taken him at all hazzards, but we could not find him. As he belonged to another band, they of Mille Lake were afraid to turn him over.

On Saturday night two or three Indian boys came into our quarters to visit the prisoners and while they were in I was informed that one of them a dead Chiefs Son (Big Winds) and who had sat as chief in Council, was present the morning after the murder and had boasted of a broken gun being a brave one, I detained him – The

next morning the village was in great excitement – and all flocked in declaring

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innocence – for a time I thought we would come to an open rupture but I had gone to far to retract – I could not give him up without their thinking I was forced into it besides I thought the boy guilty and was bound to keep him at the risk of hostilities. – At length they were calmed somewhat, and on Sunday I left on my return. –

The last matter touched on in Council of Saturday was the question of the sluice dam just below their Wild Rice Lake – It was treated that the lumbermen would be permitted to complete their dam and use it for their purposes as late as the Governor had arranged for last year, that then as their Chiefs were to be home from Washington the responsibility would fall on them. –

In excuse for this loose arrangement I would say that I had no copy of the treaty with me – that many lumbermen thought that the treaty insured protection to their rice crops – that all the Indians so understood it, and last and most powerful was the reason that this has been an unsettled matter for 5 years, during which time from 5 to 10 opportunities have transpired for setling it and the neglect of which is much complained of by proprietors along the river – I did not feel justified in forcing

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from the Indians a right they had never ceded.

But my resolve was that at all events if the[y] would not grant my demand, to build a stockade at the dam and protect it, till the time above mentioned – In this I would

be doing a practical injury to the Indians and I would enable the not too greedy cutters to drive their logs out of the river – all however, was amicably arranged –

On my way down I found evidence of the innocence of the young Chief Pitawigishik (within the Sky) but did not let him at liberty for two reasons – first I feared personal violence to him from incensed white men who have strange notions on morals and policy & Secondly I thought on account of his popularity he would be a good hostage for their peacefulness till the public up there were calmed.

And now as to the liquor sold to the Indians I would say that I believe that the Indians have been in the habit of getting liquor from most of the lumber shantys on the river, but heretofore, no serious difficulty has arisen from it. In Council at Mille Lake on Friday, Hay-sheek-ah-wan (Quick Swimmer) made a formal charge against a person called Lewis, a man with a stiff leg and who I am informed lives in Minneapolis – He says this man forced

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upon him against his (Quick Swimmer's) will three bottles of whiskey and for which he received in return an otter or sable skin. A half or quarter bred Chippewa named David Manose? now working at Mr. Nichols camp on Rum river says he saw the same individual sell and receive pay for ardent spirits the evening before the murder and this to and from Indians near Rice Lake – Although many low-lived wretches carry on the same traffic through the territory, yet the above case is the only one for which I could procure evidence. The Indians insist with severity on the enforcing of the law –

And now in compliance with your instructions I give the following as the best account of the difficulty that I could obtain.

On Saturday 10th Feby. about 8 Indians came at dinner time to the camp of Mr. Joseph Day – 4 or 5 of them were drunk – They asked for liquor and it was refused them – The camp crew went out to work. Mr. Nason accused Paascacumdebiance (Little Hard Head) of having stolen from the stable about a week before, some whiskey – they got into a dispute, but Nason thought it was settled and so considered it – The Indians (4 in number) then went into the shanty and Nason fed them: the portion given to L.H.H. he threw in the fire – Nason caught him by the shoulder and threw him out of doors the Indian cocked his gun at him. Nason took

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the weapon from him, fired it off and struck him with his fist – Nason then left for his work but returned after a short time and the Indians being still present the difficulty was made up.

The same afternoon there were present at Day Hanscom's & Co's. Camp Mefsrs. J.W. Day, Danl. Mooers Thos. Ford. & Charles Gitchell – the last two were killing a beef. – About 1 P.M. 3 squaws came down to camp drunk, in good humor playing with the men and soon went away. About half an hour later the Indians were heard whooping loudly and advancing. – The cook Mooers being alarmed at this called in J.W. Day. The Indians hallooed near the camp and then Mooers said with alarm that the worst Indian on the river was coming drunk. This was Kawanchik (The Hard Growing Brush). He was alone and

went at once into the shanty asking at once for Liquor. He was told there was none. – A little Indian boy who happened to be present, told him that they had liquor – he insisted on having it – he was again refused. – The H.G.B. went to whet his knife on the steel and threatened to use it on the cook. The cook told him he would knock him down with the rolling pin. – At this time seven more Indians came in and commenced "cutting up" ___. Mr. J.W. Day called in the men from the beef – one of the Indians struck the cook with a gun his name is Wymeguance or Small Quill. – Mooer pushed him

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over – then H.G.B. struck the cook with the handle of his knife and the cook threw him into the berth. The two boys prisoners went to the door stood it open and pointed in their guns. About this time the others commenced taking whatever they wanted. The peacemaker was Pitawaguishagance a nephew of Little Quill. Mr. Day then drew his fist to strike an Indian when he perceived the guns pointed in and restraining himself called out to his men to let the Indians alone. Mooers became alarmed and called out to Day to let them have the ___. – Day sprang to and gave them bottle about half full of whiskey – this calmed them somewhat and in the meantime Ford, Day, and Gitchell tried severally to go out to call in the crew they were dragged back again. Ford succeeded at length in getting out. – While he was gone the Indians helped themselves to such parts of beef as they wished Gitchell however preventing them from taking away the hind quarters. – During their altercation they flourished their knives round Gitchell in an awful manner. – While this was going on outside H.G.B. was sawing his knife

back across Days throat in the cabin. The[y] continued taking whatever they wanted till the crew came in. – The crew attacked them at once, took their guns from them and kicked them out of camp. – They then started for Mr. David Nichol's camp –

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on the way down they met the landing sawyers that were afterwards killed, at work – They appeared friendly and begged tobacco of them which they got – They also asked a ride in the timber sleigh which they got – The murdered men's names were John Burk and John Binville, the teamster's William Racliffe. They went to a wigwam near Nichol's camp got more Indians and guns came back about sunset and shot the two landing sawyers, putting six shots into them. In the scuffle with Binville H.G.B. got shot with his own gun. The Indians camped on both sides of the river near the dead bodies. During the night 18 of them came round the camp wanted the officer of the camp to come out pounding on the camp and whooping – they were all armed – No reply was made to them – and they left before morning – An Indian called "the Ox" led them –

In the morning Mr. Nichols came up with his crew calmed the Indians hauled up the Indians in his hand sled to Days upper camp from which it was hauled by Mr. Woodward to Rice Lake.

On Wednesday the 7th I returned, all the Com*d* in good health – Sir I have the honor to be

[unreadable in quotes, and two signatures]
(Signed)

Very Respectfully
Your obt. Servt.
J. Hamilton Lt. 3rd Arty.

Mississippi Chippewa To President, Secretary Of Interior And Commissioner Of Indian Affairs, December 24, 1855

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Mah-yah-cha-wa-we-tong et al. to President of the United States, n.d.1855

To His Excellency the President of the United States. The Honorable Secretary of the Interior and the Commissioner of Indian Affairs. The memorial of the undersigned Chiefs and Delegates of Mississippi bands of Chippewa Indians, Humbly show it.

That from the earliest recollection of your memorialists, professed friends of the Indians have advised us to conform to the civilization of the White man, but from certain causes we were lead to believe that those who thus advised us were seeking their own selfish ends, and as we therefore paid no attention to their voice.

Last year however, when some of us visited the city of Washington, the earnest and kindly counsels of Mr. Manypenny to return to our people and to endeavor to induce them to form habits of industry, led us to believe that the Government of the United States was sincere in its desire [sic] tolerate and civilize our people. The prejudice of the Indians who have never been among the white people, are very great against the latter; but not withstanding this, those of us who were in Washington last year, were so impressed with the [illegible] of the U.S. government in its professions of interest in our welfare, that we have labored incessantly ever since our return to

prevail upon our people to conform to the wishes of our Great Father and we think not without success. While we were engaged in making our treaty last year, many [illegible] were entertained and many groundless rumors circulated among our people; but when we returned amongst them and gave them a full and fair explanation of the attitude in which the Government stands toward them, and of the abundant provisions made for them in our treaty, all expressed their entire satisfaction and very many not only expressed a desire to follow the ways of civilized life, but so far as they could, without implements, without clothing and without money, they have shown their intention to become industrious, settled and civilized now. And they have done this both because you wished it, and their own interest and happiness seems to demand it.

But, our Father, we are no further advanced in civilized life now, than we were a year ago, not because we are not willing, but because we are poor. And we are pained to be obliged to say this, in the face of the ample provision made for us in the late and in the former treaties. For you would naturally suppose by looking at the stipulations of those treaties that we are abundantly provided with money and implements and clothing, and even with teachers and schools. It is not so, however, and we are in no better condition, than we were before we made a treaty, any [sic] even worse, for we have lost our lands. We do not doubt, indeed that you have forwarded our money and goods, but we have received very small proportion of either.

Last year Mr. Manypenny counciled us to abandon our present mode of life, to throw off the cumbersome and

inconvenient blanket and to adopt the white man's dress and habits. We saw that he was right, and we believed him to be sincere, because in our treaty he made full provisions for clothing, implements of husbandry, tools and even household furniture to be furnished for our use. But we say that we have not received these things. Whether by your order, or because of the disobedience of your agent we know not; but we do know that we have not even had new clothing, and so we are obliged to come to you in our dirty blankets and worn moccasins and we greatly prefer to dress as you do.

We wish now to lay briefly, but specifically before you the grievances which have forced us to journey so far for their redress.

1st we understand the interpreter through whom yo spoke to us, when our treaty was made to promise us as follows.

That is to say, we were to receive upon the new treaty and old ones thirty-one thousand dollars ($31,000) annually for three years. Said sum being derived as follows; Twenty thousand (20,000) per annum for twenty years (20) 1; six thousand five hundred dollars ($6,500) on former treaties for three (3) years; two thousand dollars ($2,000) per annum for twelve (12) years; Two thousand five hundred dollars ($2,500) per annum for eight years.

2d. In article 3, of the Treaty made at Washington last year, it is expressly stipulated that the United States shall pay to the Mississippi Bands, "Ten thousand dollars ($10,000) in goods and other useful articles, as soon as practicable after the ratification of this instrument, and

after an appropriations shall be made by Congress therefore [sic] to be turned over to the Delegates and Chiefs for distribution among their people."

These goods the Chiefs and Delegates have never yet received. Four bands of the Mississippi Indians are represented in this memorial and we all say that neither of those bands has received one dollars worth of the goods called for by the above stipulation.

Perhaps, however, we can throw some light upon this last item. We chose one of our teachers to whom we wished the agent to deliver these implements for our use and to be under our control; but the agent refused to deliver them to our teacher or to us, under the plea that if we had them we would sell them for whiskey, although our only desire was to get them up to our reservations before the navigation closed. Whether your agent has a discretionary power to keep our goods as long as he pleases we do not knoow [sic], but we think he is causing you to violate a sacred treaty, to forfeit your national honor, to cause us a great injury and to show a very bad example to your heathen bretheran.

3d. Ever since the present agent has been stationed at Crow wing, more or less goods have been retained in his hands every year under some pretense or other, and in the end we have never received them. We believe the goods above mentioned will share the same fate unless you interpose your strong arm to prevent the injustice.

With our own eyes we have seen men during the last payment come out of the United States Warehouse at Crow Wing, at midnight with as many of our goods as they could carry. This Autumn and last autumn, teams

have carried goods from the United States Warehouse in the night. A-ya-be-dwa-we-dug (Chief of the Sandy lake) who is here, has seen this the present year, and a year ago; He-be-dwa-wa-ghe-mick of Pokegoma band, who is here, saw the same trnasaction [sic] last year and both are ready to testify to it.

Last Srping [sic], goods were remaining in the government warehouse, which should have been paid out the previous fall. During the absence of the agent a portion of them were stolen, and the government blacksmith, Mr. Stateler caused the arest [sic] of a man named "Sim" in whose possessions the goods were found. On the return of the agent he discharged "Sim" from custody without any trial, and some time afterward he took the goods from Mr. stateler without allowing him ever to make a memorandum of them and that is the last that has been heard of them.

4th. We also charge Mr. Pierson, the government clerk at the last payment, with licentious behavior toward our young women. We say that he has given our goods to young women, in the governemnt [sic] warehouse, for the use of their bodies. Mr. Whiting, who you sent to attend the last payment knows that Pierson shut up a young woman in the governemnt [sic] warheouse [sic] and refused to release here [sic] to her mother and friends, and that he (Mr. Whiting) himself went down to the warehouse and opened the door to allow the young woman to get to her friends.

5th. We complain of the place and which our payments are given out and of the manner in which they are conducted.

Bloodshed has already resulted from giving out our payments where whiskey can so easily be obtained. The Pokegoma band especially desire to receive their payments, whether at Leech Lake or at Pokegoma Lake. We also think it is wrong for traders to be allowed in the pay room, and to be encouraged by the agent in locking the door, and confining us in the room until their demands for money are satisfied, and even in the use of force to extort our money from us as was done at the last payment and that too, without giving us any receipt for the money thus taken from us. Doubtless the very debts paid in this way will at some future day be paid again as "old debts" because we have no proof of their payment.

Mr. Hays was an honest man and a kind agent but every [sic] since he left us we have been robbed and ill treated by our agents and traders until our young men are becoming desperate, and no wonder. For we have never before been in such a condition of abject misery.

6th. We complain that while you exhorted us to abandon the use of the fire water, the agent drinks it in our wigwams and permits it to be brought on the pay ground.

Father, there are but few of us here; but send to our country and furnish them with the means of coming here and hundreds will be here to tell you the same story and worse things than we have old [sic] you. We left our wigwams without money or provisions friendly white men have helped us from place to place and so we are here. Our father but look on us! Our Mocassins are all worn out and blankets are dirty and we are tired and hungry. Our fingers and that of our wives and children are sore caused by digging the earth with them for we

have no hoes no axes no implements for husbandry or to build us houses. And when we have means provided in our treaties with you for our civilization and of all of our people and we want to be civilized. We wish to lvie [sic] as white men do. We desire to work and we would be citizens of the United States.

Oh, Father, in pity listen to us; Oh, save us, save our acused [sic] wives and daughters our insulted sons and chiefs. Oh, Save our Nation. Do not let us be any longer a prey of selfish white men in mercy look uppon [sic] us and hear our voice for our hope is in you to see that justice is renderd [sic] us. Oh stand between us and our enemies and stay there [sic] hand. Our father we believe your ear is open and your heart is tender toward your red Children. Listen to us and do us justice. Mr. Herriman the agent you sent in our midst has violated your and our treaty of peace. He has loaded croked [sic] and pointed the United States guns on us and unsheathed the United States sword on us last fall without any occasion or reason on our side. We cannot endure his insults any longer [illegible] us hand and feed [sic] drags us about the ground strikes us with his fist. We call for the Great Spirit the God fo [sic] the White man and the Indian, to witness that what we have siad [sic] is true and we sign our names to it.

Phakaganmah: Man-yan-che-wa-we-tong, Mas-be-dwa-ga-shjick

Sandy lake: Na-nah-ang-a-yash, Kan-yah, qe-wa-shung

Sandy lake: Ah-hay-be-dwa-we-dond

Mil Lake: Ne-she-ka-age-mah

Rev. S. Hall's Lecture, Sauk Rapids Frontiersman (April 8, 1858)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0026

This Lecture came off on Tuesday evening before as large an audience as has ever been in attendance, at any one of them, since the course commenced. The subject, of itself, was sufficient to awaken a lively interest in the Lecture, but a still deeper interest was elicited, from the fact that the Lecturer had for many years been a resident among the Ojibwa Indians, the manners, customs and language, of which Tribe, were to form the subject of the evening lecture. Mr. Hall spoke extempore, and the evening did not afford sufficient time for him to take up the three branches of the subject, according to previous announcement. The idiom and structure of the language was not treated of at all. At some future time, we hope the Lecturer can be induced to follow up and complete the Lecture. The Grammar and structure of this language, would alone afford a rich treat for a single evening.

The historical part of the lecture dated back only some 35 years from the present period, to the time that our government began to make treaties with this tribe of Indians, not for the purchase of their lands, but for the purpose of drawing them away from British influence. Little however transpired to affect, materially, their political condition, until 1837, when a treaty was made with them for the purchase of an immense extent of country, embraced in the then Territory of Wisconsin, and including the country of Chippewa and St. Croix Rivers, and

extending from the former, to Crow Wing River; at which treaty, all the lands owned by this tribe on the east of the Mississippi as far north as Crow Wing was ceded to the United States, and thereby were opened those vast pine regions to the enterprise of our lumbermen, which was the principal object of the purchase; expedited by the complaints of the Indians, that the Ko-cho-go-co-mun-ug, or Americans were trespassing upon their lands by cutting the pine timber. The ratification of this treaty, by Government, and the occupation of the pine regions by the whites, had an important bearing upon their political and social condition. Their relation to the Government was changed by it, and their habits also changed by a contact with the whites, but not for the better. Whiskey, that bane of every Indian Tribe which has access to it, has rendered many of the Ojibwa Indians much more abject, than it is possible for Indians to be in their wildest state. In 1842 another purchase of land was made of these Indians, including all the country belonging to them on the south shore of Lake Superior. A Geological survey had been made of this country which proved it to be rich in copper; and the title to it was acquired for the purpose of opening this source of wealth to the miner and the capitalist of the country, that its resources might be at once developed. This also caused the introduction of whiskey into that region, and its effect upon the poor Indian there, has been the same that it has elsewhere. Mr. Hall adverted to an unsuccessful attempt, on the part of the Government, to remove to the west side of the Mississippi River all that portion of this Tribe residing in the Lake Superior country, as well as all those south of that. Great efforts were made to effect their removal, but the

sequel proved their attachment too strong for the particular locality of their birth, to make it any easy matter, and the policy was abandoned by the Government.

Walker To Thompson (September 25, 1861)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0253

Lucius Walker (U.S. Ind Agent) to C. W. Thompson (Supt of Ind Affairs MN), 25 September 1861

In accordance with the requirements of the Department I herewith submit my first annual report.

Since I entered upon the duties of my office on the first day of May last I have visited the Indians under my charge and found them in a tolerable condition of health and contentment.

Of the Mississippi bands I am compelled to state that they have no farms under cultivation and although there was a small amount of money turned over to me by my predecessor, for the purpose of clearing and breaking on the reservations of these Indians, it is entirely inadquate to carry out the stipulations of the treaty on that subject or to benefit them to any general extent or in any permanent manner.

I have also to report that there are no schools established for their benefit the great need of which is very apparent and often in their councils they speak of this as something which they much deplore. But the most formidable obstacle to be encountered in introducing these or any improvements for their elevation is that their reservations are disconnected and some of them a great distance from the agency which renders it impossible for the agent to have an immediate supervision of such matters this being

necessary in order to make them of any great and permanent advantage to the Indian. I would therefore suggest the propriety of removing these bands to one reseration. This would give the agent a more immediate control over their conduct and would give him a greater power in suppressing the traffic in ardent spirits which is carried on entirely off the reservations and sold to the Indians by a class of corrupt and lawless men who hover around the reservations ready for any act however monstrous, cruel or unlawful.

And in this connection, I will state that I understand there is a large arrearage fund due these bands which they are all very anxious should be expended for their use. They often speak of this fund and the great necessity of its expenditure in building them houses, ploughing their land, furnishing them seed, establishing a school and other advantages of which they feel the great need. I would therefore urge the necessity of its immediate appropriation.

I would call the attention of the Department to a difficulty which is likely to arise in relation to an alleged contract existing between the Rabbit Lake Band of Mississippi Indians and Donillus Morrison for the cutting of timber upon their reservation. The soldiers complain that the contract was obtianed from them by promises whch have never been fulfilled and that the compensation received by them annually is entirely inadequate to the large amount of timber cut and carried away while it also destroys their hunting grounds and renders their reservation valueless. You will allow me to suggest the impropriety, if not the illegality of any party entering into a contract with any band of Indians whereby such party

has the right to enter upon their reservation at any time, for any length of time and in such force as he chooses without restraint from the agent. It is a continual cause of irritation among the Indians and often difficulties growing out of the contract, or the presence of the whites among them require the attention of the agent and render them more difficult of management and less tractable than they otherwise would be while it also seems to me to be in violation of the treaties and the strict letter and spirit of the laws enacted for their government and regulation.

I have very recently visited the Pillager and Lake Winnebigoshish bands and found them to a considerable extent industrious and desirous of abandoning their roving habits and turning their attention to cultivating their lands as a means of subsistence. Many of them have fields which are looking very well. I herewith transmit the report of Mr Ayer who superintends the farming for these bands.

The manual labor School at Leach Lake is under the charge of Mr. Wright whose report is hereto attached.

The school does not flourish as it would if it were more remote from the parents of the children who attend and more immediately under the supervision of the agent. I would therefore suggest the great advantage to be derived from a school to be located near this agency and a farm connected therewith where it would be udner the direction of the agent and removed from the earlier associations and wild and roving habits of the children.

In compliance with instructios from the Department. I furnish the following information

The names of the tribes within my agency? Chippewas.

The number of souls in each of either sex. Males nineteen hundred, females twenty-two hundred.

The approximate wealth of each tribe in individual property? Three thousand dollars.

The number of schools? One.

The designation and location of each? The manual labor school at Leech Lake.

Under charge of what religious society? None.

The number of scholars in each school of either sex? Males 13, Females Ten.

The amount contributed by individual Indians? None.

The number of Missionaries to each tribe and what denomination.

One: Scandinavian missionary at Rabbit Lake Reservation. I would draw your attention to the difficulties which are likely to arise isn regard to the boundary lines of the several reservations under my charge and expecially the boundaries of Mille Lac reserve which are now in dispute between the Indians of that band and the settlers along the lines and recommend a survey of the same.

I desire to impress upon your attention the urgent necessity of an early distribution of the annuities to these Indians. by this course they are easily collected, their journey to the places of payment made with comparativley little hardship. They are enabled to return to their homes before the intensely cold weather of winter commences and prepare for the collection of furs during that

season while if the payment is made late in the fall it is impossible for many of them to make the journey and the hunters return to their homes too late to prepare for their winter pursuits an object of far more importance to them than the value of their annuities. I would therefore recommend that the payemnt be made at as early a day as the first of October.

I herewith transmit the report of the resident physician Dr. Geo. F. Townsend who has been very successful in treating the various diseases prevailing among the Indians under my charge.

I take great pleasure in reporting that all the Indians within my agency are quiet and well disposed towards the government.

Interview Between Commissioner Mr. W. Dole And The Chippewa Indians, February 17, 1863 (Excerpts)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0254

Naw Gaw nab. **I am very happy that you have read the article of the Treaty, to make them understand how the Treaty reads, and all that you have been telling us this morning – especially as there is a great many of our people that do not understand even if they are told, how the Treaty reads. It has been, ever since I have heard our great Father's voice, to follow his counsels. He has told me that he would protect and support me if I should live just and honorably, and it is just for a man whoever wants to listen to the counsels of our great Father, that he should be so protected, and then in regard to our reservations, at the time of the Treaty the commissioners, at least Gilbert, told us that our reservations were not to confine us altogether to live upon them – that we should have the privilege of going out of it whenever we had a mind for hunting purposes, and it is on account of that also that we want our patents. It is our wish it should be so that whenever the time comes for us to go and hunt we should be permitted to go on government lands, and not confined on our reservations; whenever a man wants to go out and hunt and kill the game he shall have the privilege to do so. It is true that an Indian should not be permitted to trespass upon a white man or on anybody else's property. He should be restricted. It will be great news to our people; to our young men, and to our**

children, when we get home, to tell them all the privileges they have enjoyed they shall enjoy still. At the time of the Treaty I was promised that I should have a patent for my Reservation and now I see that it is not written here on the paper. It says that they should be issued only for 80 acres – that every individual should have 80 acres of land, but I was promised that I should have one for my reservation.

Morril To Thompson (October 1, 1864)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0148

No. 218.

CHIPPEWA AGENCY,
October 1, 1864.

SIR: This is my second annual report, transmitted for your information, as to the condition of the lands of Chippewas under my charge during the past year. Their material wants have been fully supplied, and their prospect as to subsistence and clothing the coming winter are good. Their physical condition, as will be seen by the physician's report sent herewith, has been better than usual, although not better than in the year terminating October 1, 1863. During the fall and winter they met with extraordinary success in the hunts, finding fur-bearing animals of every kind very abundant. As furs were high, they were able to procure from their traders in exchange for them all supplies necessary for their comfort. In their spring hunts they were not so successful, but got enough for their moderate needs in that season. The value of the furs secured by them during the entire year is, as near as can be ascertained, forty thousand dollars.

In the spring they made a large crop of maple sugar, which is always a great advantage to them, as they can readily obtain with it any goods which they may require during the summer. They planted their usual gardens, amounting among the Pillagers and Winnebagoshish Indians to three hundred acres, among the Mississippi lands to two hundred acres, with assistance rendered by

myself in ploughing and furnishing seed at an increased cost over former years, from scarcity and high price of labor and seeds. Owing to excessive dryness of the spring and early summer their supplies from this source will not be as large as usual, but the deficiency is more than made good by the very large rice crop which they have just gathered, and which they will garner for use in mid winter, when other food cannot be obtained. Fish, which have always been the chief reliance of this tribe for subsistence, have been more than ordinarily abundant; and to the end that their supply of these should not be stinted by insufficiency of nets in which to catch them, I have purchased and furnished to them a considerable quantity of net twine, in addition to their annuity supplies. This article is of greater profit to them then any other form of goods which they get, and I would therefore respectfully recommend that in the future a larger quantity be procured than has been the habit.

Of personal property there has been no increase. They have but little, consisting of the canoe, which is the sole means of transportation among them, a few dressed skins used for making moccasins, together with the birch barks strips used for the covering of their wigwams. The average value of personal property is estimated at fifteen dollars to the family.

From efforts which I have made during the year to prevent the sale of whiskey, and its higher price consequent upon the revenue tax laid upon the article by Congress, its use has been limited among the Indians, and that curse, which is the prolific cause of suffering and crime among them, has exercised but a small portion of its ordinary influence, very much to the increase of their

comfort and happiness. Having been sufficiently supplied with food and raiment, and deprived in a great measure of intoxicating liquors, there has been no disposition among them to a renewal of the scenes of 1862, but, on the contrary, on one or two occasions, when reports have reached the ears of distant bands that difficulties with whites were projected by bands nearer this locality, they have assembled in council, and, with almost entire unanimity, declared their unwillingness to participate in any disturbances. The reports referred to have no foundation in fact, the Indians near the agency having been as friendly as they ever were. The military authorities have been somewhat suspicious of them, but entirely without cause.

From their fine sanitary condition through the year it is probable that their number has increased.

I insert tables showing their number six months ago, as nearly as could be calculated. Also table showing aggregate of all the products of their industry, as well as personal property for the year.

[Chart Omitted In Printing]

The school at Leech lake during the first part of the season was under the charge of Arthur Garden, but since June 1 James Whitehead, engineer, has been in charge. An additional amount of land has been ploughed and fenced, and quite a number of the young men have come forward and assisted in the work. Little advantage can be derived from any system of schooling, until those who desire to derive a benefit from it can be induced to lay aside the blanket and be made to work with their hands. In this

respect I think there has been an improvement over former years.

Since my last report the Red lake and Pembina bands of Chippewas have been added to this agency, and I am about to make them their first payment. Steps are being taken to put up a mill for their use at Red lake, to make a road from Leech lake to Red lake, and to erect shops for the mechanics provided in their treaty. Those measures will all be accomplished by the ensuing spring.

Hoping that the above detailed facts may be satisfactory to yourself and the Indian bureau, I remain, respectfully, your obedient servant.

A.C. MORRIL,
Indian Agent,

Hon. C.W. THOMPSON,
Superintendent Indian Affairs, St. Paul, Minn.

Stowe To Smith (September 8, 1876)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0270

Lewis Stowe to J. Smith, Sept 8, 1876

Referring to your office letter "F" dated Sept 1, 1876 notifying me that the cotton maitre and gilling twine for Chippewas made my charge will be shipped in few days to Audubon station Minn. No mention is made of the Pembina Chipepways or Mille lac Shippewas, and respectfully ask that the same amount for each of these bands vzi:

For Pembina Chippewas at White Earth, 150 lbs gilling twine, 50 lbs cotton maitre, to be shipped by Northern Pacific Railroad to Audubon station for Mille Lac Chippewas at Mille lac 150 lbs gilling twine, 50 lbs cotton maitre to be shipped by northern Pacific Rail Road to Brainerd.

Stowe, Annuity Estimate For The Mille Lacs, Etc. (1877)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0271

1877

Annuity Estimate for the Mille lacs, Snake river, Miss, Chippewa Indians at Chippewa Agency, 1877, Lewis Stowe agent.

[besides many kinds of cloth includes:] dozen best cast steel axes, 3 to 4½ pounds, doxen best cast-steel hunter's axes handled, doxen ax handles, dozen 6 inch butcher knives, dozen 6 inch hunting knives, dozen 6 inch skinning knives, [hoes, saws etc., sewing supplies] Newhouse No. 4 beaver traps, Newhouse Mink Traps [foods].

Nelson Act Proceedings Senate Document 247, pp. 1-27, 45-48, 163-176

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

51 ST CONGRESS,] [EX. DOC.
1st Session,] [No. 247.

HOUSE OF REPRESENTATIVES.

CHIPPEWA INDIANS IN MINNESOTA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior relative to the Chippewa Indians in the State of Minnesota.

MARCH 6, 1890. – Referred to the Committee on Indian Affairs.

To the Senate and House of Representatives:

In pursuance of the authority and direction contained in the act of Congress approved January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," three commissioners were appointed by the President on February 26, 1889, as therein authorized and directed, namely: Henry M. Rice,

of Minnesota, Martin Marty, of Dakota, and Joseph B. Whiting, of Wisconsin, to negotiate with said Indians.

The commissioners have submitted their final report, with accompanying papers, showing the results of the negotiations conducted by them, and the same has been carefully reviewed by the Secretary of the Interior in his report to me thereon.

Being satisfied from an examination of the papers submitted that the cession and relinquishment by said Chippewa Indians of their title and interest in the lands specified and described in the agreement with the different bands or tribes of Chippewa Indians in the State of Minnesota was obtained in the manner prescribed in the first section of said act, and that more than the requisite number have signed said agreement, I have, as provided by said act, approved the said instruments in writing constituting the agreement entered into by the commissioners with said Indians.

The commissioners did not escape the embarrassment which unfortunately too often attends our negotiations with the Indians, viz: An indisposition to treat with the Government for further concessions while its obligations incurred under former agreements are unkept. I am sure it will be the disposition of Congress to consider promptly, and in a just and friendly spirit, the claims presented by these Indians through our commissioners, which have been formulated in the draught of a bill prepared by the Secretary of the Interior and submitted herewith.

* * *

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1890.

The PRESIDENT:

There has been filed in this Department the report of the Chippewa Commission, one copy whereof is herewith transmitted for your consideration and action.

This Commission was formed under an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," being chapter 24, United States Statutes at Large, volume 25, page 642, approved January 14, 1889.

The first section of the act authorizes the creation of the Commission, designates its purposes, provides for certain conditions precedent as to a census to be taken, and declares in what manner the cession and relinquishment of the lands therein sought to be obtained by the Government shall be effected. The section is as follows:

> That the President of the United States is hereby authorized and directed, within sixty days after the passage of this act, to designate and appoint three commissioners, one of whom shall be a citizen of Minnesota, whose duty it shall be, as soon as practicable after their appointment, to negotiate with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the Reservations of said Indians in the State of Minnesota, except the White Earth and Red Lake Reservations, and to all and so much of those two reservations as in the judgment of said commission is not required to make and fill the allotments required by this

and existing acts, and shall not have been reserved by the commissioners for said purposes, for the purposes and upon the terms hereinafter stated: and such cession and relinquishment shall be deemed sufficient as to each of said several reservations, except as to the Red Lake Reservation, if made and assented to in writing by two-thirds of the male adults over eighteen years of age of the band or tribe of Indians occupying and belonging to such reservations; and as to the Red Lake Reservation the cession and relinquishment shall be deemed sufficient if made and assented to in like manner by two-thirds of the male adults of all the Chippewa Indians in Minnesota; and provided that all agreements therefor shall be approved by the President of the United States before taking effect: *Provided further,* That in any case where an allotment in severalty has heretofore been made to any Indian of land upon any of said reservations, he shall not be deprived thereof or disturbed therein except by his own individual consent separately and previously given, in such form and manner as may be prescribed by the Secretary of the Interior. And for the purpose of ascertaining whether the proper number of Indian as yield and give their assent as aforesaid, and for the purpose of making the allotments and payments hereinafter mentioned, the said commissioners shall, while engaged in securing such cession and relinquishment as aforesaid and before completing the same, make an accurate census of each tribe or band, classifying them into male and female adults and male and female minors; and the minors into those who are orphans and those who are not orphans, giving the exact numbers of each class,

and making such census in duplicate lists, one of which shall be filed with the Secretary of the Interior and the other with the official head of the band or tribe; and the acceptance and approval of such cession and relinquishment by the President of the United States shall be deemed full and ample proof of the assent of the Indians, and shall operate as a complete extinguishment of the Indian title without any other or further act or ceremony whatsoever for the purposes and upon the terms in this act provided.

The Commission was appointed by the President on the 26th day of February, 1889, and the several members thereof became duly qualified by giving the bond required by section 2 and taking the oath thereunder required, as appears by the files of this Department. The census required to be taken by section 1 was completed and one of the duplicate lists thereof filed with the Secretary of the Interior on the 3d day of January, 1890, and the other with the official head of the band or tribe.

It appears by the report of the Commission that it sought and obtained the assistance of Bishop Whipple and Archbishop Ireland in its labors, and that all that was done was conducted in a spirit of fairness towards the Chippewas. There were distributed among them 500 copies of the act of January 14, 1889, and several hundred copies of the general allotment act of February 8, 1887.

Councils were held at Red Lake, White Earth, Gull Lake, Leech Lake, Cass Lake, Lake Winnibagoshish, White Oak Point, Mille Lac, Grand Portage, Bois Forte and Vermillion Lake, and Fond du Lac.

At Red Lake the assent of all the Indians to the agreement was obtained except a few called "pagans," residing on the northern shore of the lake. The Indians at Red Lake complained of unfulfilled promises, plead for mills and cattle, and that their boundaries might be surveyed in accordance with treaties. They also prayed for an agent, as they were 80 miles from the White Earth Agency. The Red Lake Reservation, two-thirds of which at least is ceded to the United States, contains 3,200,000 acres, and the number of Indians occupying it is 1,168. The boundaries of the diminished reservation, from which allotments to the Red Lake Chippewas are to be made, are given in the report. The commissioners report that –

> This reservation is larger than will eventually be required, but as there are swamps and other untillable lands therein, it can not be reduced until after survey and allotments shall be made.

Whether the surplus lands that may remain after allotments shall have been completed as required by the law can be disposed of without further legislation is a question which will require consideration, but such consideration is not necessary at this time.

The Indians on the Red Lake Reservation were suffering for want of food, owing to the loss of crops the last season.

The Indians of the White Earth Reservation were also suffering for food. They insisted upon the provisions of article 9 of the treaty of September 30, 1854, and that damages should be paid because of the construction of

reservoirs on the reservation near the headwaters of the Mississippi, provision for which had been made by the Northwest Commission three years ago, and which negotiations have not been acted on by Congress. No explanation could be given why the provisions of the treaty of September 30, 1854, had not been fulfilled, but the Indians were promised that the best efforts would be given to secure justice in this case, and upon these assurances the acceptance and signing of the propositions made were nearly unanimous. This matter is incorporated in the draught of a bill herewith presented for submission to Congress.

The White Earth Reservation contains 796,762 acres, and the number of Indians occupying the same is 2,044. They complain of want of milling facilities. They have about 5,000 acres seeded in wheat, barley, and vegetables, but owing to want of rain not more than half a crop will be grown. At least 2,500 acres heretofore cultivated lies fallow for want of seed and teams.

There were but 277 Chippewas at Gull Lake, all of whom signed the agreement and agreed to make their permanent home on the White Earth Reservation as soon as they should be furnished with means to cultivate the soil and subsist until they could make a living.

At Leech Lake Reservation, amid pompous demonstrations, the Commission was received, and the first demand made of them was that there should be settlement of outstanding claims. Nor was the business allowed to proceed until the Commission had given a solemn promise with raised hands that they would to their utmost ability urge the immediate settlement of

these unadjusted demands. These Pillager Indians have a claim for lands ceded to the United States under the treaty of 1847, which it is urged should be carefully investigated, and the Pillagers allowed what may be found in equity due them, and also for damages arising from the construction of reservoirs at the headwaters of the Mississippi. For these damages it is recommended that there be paid $150,000, with 5 per cent. per annum to date, and $1.25 per acre for the overflowed lands. The Indians have absolutely ceded to the United States 46,920 acres, which can not be sold, as provided in the act of January 14, 1889, for their benefit, and it is and must be reserved for the overflow caused by the reservoir dams. An item covering the claim for damages by reason of the construction of the dams is also incorporated in the inclosed draught of bill.

The alleged claim of the Pillagers for further compensation for land ceded under the treaty of 1847 is a matter for consideration by Congress, and I would recommend that it be brought to the attention of that body. The statement upon which this claim is based by the Indians is set forth in the report of the Commission.

At Cass Lake a like demand was made by the Indians for the settlement of unsatisfied demands, but all gave their assent and signatures to the proposition.

The Indians at Lake Winnibagoshish depend much upon their wild rice, which they were gathering at the advent of the Commission. The injury done them by the building of the reservoirs is very great. They are destitute, as are those at Cass Lake, of aid from the Government, having no missionary, school, farmer, blacksmith,

or physician. The Commissioners observe that the Winnibagoshish Reservation is marked upon the map by township lines, which is erroneous, as the treaty fixes its line by natural boundaries beyond those shown by township lines. This has given much dissatisfaction, as the whites have settled between the two lines and consequently upon the reservation, as the Indians claim. This marking is erroneous, and should be adjusted. All the adults of this band gave their consent to the agreement.

The condition of the Indians at White Oak Point is described as beyond hope of improvement, they being dissipated and dissolute, but they have still intelligence enough to ask that whisky may be kept from the country and that missionaries and school teachers be sent them. They all signed the agreement, and it will be the purpose of this Department to supply and enforce so far as may be in its power the regulations so reasonably demanded. Scattered members of the White Oak Point bands were found at Kimberly, who were healthy in mind and body, unusually bright and careful of themselves, and all of whom were anxious to acquire lands in severalty and the young men eager to find work. They number one hundred, and all except one signed the agreement.

The Indians at Mille Lac were found to be intelligent, cleanly, and well behaved, and of good reputation among the neighboring whites. White men unfortunately have been permitted to rob them of their pine, and for years to settle upon their agricultural lands, to great injury and fear of the Indians. Squatters are now settling upon this reservation, as the commissioners report. The question of right should be settled at the earliest possible moment,

for the greater the delay the more difficult will be the adjustment. All signed the agreement at this place.

The rights of the Indian upon this reservation have been a vexed question, full of difficulties and embarrassments, but it is hoped that this agreement will furnish a basis for its early and final solution.

At Grand Portage the Indians expressed themselves as fully understanding and satisfied with the terms of the act, and signed with cheerfulness and unanimity. They complained that the white fishermen spread so many large nets near their reservation that the Indians were unable to procure a supply of fish for food.

At Bois Forte and Vermilion Lake the Indians seemed timid and distrustful, but they "touched the pen" finally with great solemnity and much formality. They have the best hunting grounds of the Chippewas. They seem willing to learn to till the soil, but ask for assistance in the way of better facilities. Much of the land on the Lake Superior reservations is unfit for cultivation, and the Bois Forte Indians complain that a large amount of their timber is cut without compensation, and is run down Little Fork River to the British Possessions.

Many of the Indians at Fond du Lac are in danger of suffering during the winter and spring, having been denied the right of cutting timber on their reservation. Like all of the Mississippi bands, they feel greatly grieved at the long-continued withholding of the money due them from the Government. On the positive assertion of the commissioners that justice should be speedily done, not only in this respect but in the matter of a palpable

error in the boundary lines of their reservation, they were induced to listen, and finally signed by touching the pen.

This claim for additional land to which the Indians insist they are entitled under the plain and unmistakable meaning of the treaty should have careful consideration and be fairly and speedily adjusted.

The Commission reports:

> As the various bands decided to take their allotments on their respective reservations, the Commission told them that the $90,000 to be advanced and already appropriated would be paid pro rata as soon after the approval of these negotiations by the President as should be practicable, but not later than the coming spring.

The Commission further reports that –

> The clause of the act of January 14, 1889, providing for the payment of the interest that may accrue on the permanent fund was to the Commission obscure and they promised the Indians that cash payment should be made per capita in equal shares.

It is provided in section 7 of the act of January 14, 1889 (25 Stats., 642):

> That one-half of said interest shall, during the said period of fifty years, except in the cases hereinafter otherwise provided, be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use; one-fourth of said interest shall, during the same period and with the like exception, be annually paid in cash in equal shares per capita to all other classes of said Indians; and

> the remaining one-fourth of said interest shall, during the said period of fifty years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst and for their benefit; and at the expiration of the said fifty years, the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living, in cash, in equal shares.

This construction by the Commission is deemed reasonable. While there may be some discussion possibly in regard to its validity, it is deemed that it is in harmony with the spirit of the act, and having been made the basis of the Indians' assent it should be adhered to.

The Indians desire that the Government will set aside a sufficient quantity of land on each reserve for Government buildings, such as may be necessary for physician, blacksmith, farmer, carpenters, and for missionaries, traders, etc. The commissioners recommend this, and the reservation, it is submitted, should be made, and the order as to the location and erection of such buildings should be enforced.

The reservation of the necessary and suitable tracts of land for these purposes can be made the subject of an executive order when proper selections shall have been made, which should be attended to before the lands are offered for disposal under the act.

The commissioners further recommend that on each reservation a tract of pine land should be reserved and held by the General Government as might be necessary

for their common use, to be so held during the pleasure of the Secretary of the Interior.

I doubt whether this request for the reserving and holding by the General Government of a tract of pine land upon each reservation for the common use of the Indians remaining thereon can be complied with without legislative authority therefor, in view of the terms and conditions of the act to which the Indians have given their consent.

They ask for saw-mills, cattle, agricultural and mechanical implements, which they must have, or they can make no substantial progress.

The commission reports that although the Indians have decided to take allotments on their reservations, it is believed that many may be induced to remove to White Earth, and for this reason it is not prudent to urge individual allotments elsewhere than on the White Earth and Red Lake Reservations at present.

The removal of those who will go to White Earth will take place as soon as provisions can be made for their subsistence. It will be of the greatest benefit to the Indians and to the State to have the removal made.

The Commission ask that there may be granted 10 acres of maple timber for making sugar to each family occupying the same. This is deemed ample and is as much as should be granted. The matter should receive attention when the individual allotments are made to the Indians.

The commissioners state that it is important that the four townships of pine land on the White Earth Reservation should be early estimated and sold, as the timber is liable to be stolen or burned; while on the other hand the swamp lands of valuable cedar and tamarac should be withheld from sale under the pre-emption laws, and sold under the direction of the Secretary of the Interior, in such manner and upon such terms as to him shall seem best for their interests.

I fully concur in the suggestion of the commissioners, that the ceded lands of the White Earth Reservation already surveyed should be disposed of under the terms of the act, at as early a date as possible, but I do not see how the swamp lands referred to and reported to the valuable chiefly for cedar and tamarac can be withheld from sale as requested without further legislation in view of the last clause of section 4 of the act, which reads as follows:

> All other lands acquired from the said Indians on said reservations other than pine lands are for the purposes of this act termed "agricultural lands."

And section 6 provides specifically the manner in which unallotted and unreserved agricultural lands shall be disposed of. I think, however, that this request of the Indians should receive favorable consideration by Congress, and that the necessary legislation should be had authorizing the reservation and disposal of the cedar and tamarac swamp lands as desired by the Indians.

It is reported and believed that upon Grand Portage, Bois Forte, and Vermillion Lake Reservations there are

valuable mines, and the Indians request that if such are discovered they shall be disposed of by the Secretary of the Interior as best to subserve the interests of all concerned. I do not concur in the recommendations of the commissioners regarding the request of the Indians for the disposal of mineral lands. I can not see how such a request can be complied with under the law.

The commissioners state that the pine ceded is estimated by various parties from $25,000,000 to $50,000,000.

It is reported by the commission that a further appropriation for surveys and examination of the lands will be necessary, and that a small appropriation should be used for the purpose of defraying the expenses of the Indians who may desire to visit the White Earth Reservation, with the expectation of removing there before allotments should be taken or confirmed elsewhere.

Section 8 of the act makes an appropriation of $150,000 "to pay for procuring the cession and relinquishment, making the census, surveys, appraisals, removal, and allotments, and the first annual payment of interest herein contemplated and provided for." Ninety thousand of this sum is required to pay the first annual payment of interest, leaving but $60,000 for the other purposes specified. The commission has expended about $30,000 in procuring the cession and relinquishment, and making the census, leaving about $30,000 for the surveys, appraisals, and for the removal and allotments provided for in the act. This balance is manifestly insufficient to enable the Department to accomplish these further provisions of the act, and I therefore concur in the recommendation that a

further appropriation be made, and an item for that purpose is included in the draught of bill herewith submitted, which also provides for defraying the expenses of Indians visiting the White Earth Reservation.

The commission further remark that the Red Lake Indians should be encouraged to commence farming and building houses the coming spring, and furnished with cattle and implements, etc.

All these requests of the Indians and recommendations of the commission for furnishing mills, farming implements, cattle, buildings etc., raise the question of an appropriation therefor, which requires to be carefully considered. Section 7 of the act provides the manner for the disposition of the interest on the proceeds arising from the disposal of the lands, as previously recited in this report. It is in said section further provided:

> That Congress may in its discretion, from time to time, during the said period of fifty years, appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding five percentum thereof. The United States shall, for the benefit of said Indians, advance to them as such interest as aforesaid the sum of $90,000 annually, counting from the time when the removals and allotments provided for in this act shall have been made, until such time as said permanent fund, exclusive of the deductions hereinbefore provided for, shall equal or exceed the sum of $3,000,000, less any actual interest that may in the meantime accrue from an accumulation of said permanent fund; the payments of such interest to be made yearly in advance, and in the discretion of the Secretary

> of the Interior, may, as to three-fourths thereof, during the first five years, be expended in procuring live stock, teams, farming implements, and seed, for such of the Indians, to the extent of their shares, as are fit and desire to engage in farming; but as to the rest, in cash.

As the $90,000 already appropriated as first payment of interest was promised by the commission should be paid pro rata in cash, there is no fund out of which the mills, etc., can be purchased, unless Congress shall make an appropriation to enable the Department to provide these necessary and essential things so urged by the commission, and make such appropriation reimbursable from the principal sum arising from the disposal of said lands. An item for that purpose is embraced in the draught of bill herewith.

It is suggested that there are many persons of Chippewa blood dwelling in Michigan, Wisconsin, and elsewhere, but that the chiefs and headmen should be consulted as to the justice of their claims when they assert the right to the benefits under recent negotiations.

It will be perceived that some portions of the recommendations of the commissioners may be carried into effect through orders of this Department, and the same will be done to the extent possible; but, as to those matters dependent upon further legislation, the President will have to request action by Congress. The chief of these will be to make such appropriations as will pay the demands of the Indians under previous treaties, and for the damages done by the reservoirs established upon the reservations. This matter has long been pending, and its

adjustment seems to be demanded by ordinary good faith and the plainest principles of justice.

The $150,000 hereinbefore mentioned, recommended for the damages done by the overflow of the reservation dams, with 5 per cent interest, should no longer be refused.

There should be a due appropriation made, also, for the establishment of schools, and the employment of farmers, blacksmiths, and physicians, and particular provision made to preserve these Indians from want during the remainder of the winter and coming spring.

The first section of the act provides for an accurate census of each tribe or band, to be taken by the said commissioners while engaged in securing such cession and relinquishment, classifying them into male and female adults, and male and female minors; and the minors into those who are orphans and those who are not orphans; giving the exact number of each class.

The commissioners submit census reports taken by them in the manner and form prescribed by the act, a summary of which is as follows:

[Chart Omitted In Printing]

The Commissioners also submit reports showing the number of male adults of each of the separate bands and the number of such male adults assenting to the act of which the following is a summary:

[Chart Omitted In Printing]

This summary shows that the total number of male adults is 2,178 and that 1,884 of that number signed their acceptance and consent to the act, being over 86 per cent. of such male adults, and more than the requisite "two-thirds of the male adults over eighteen years of age of the band or tribe of Indians occupying and belonging to" each of the several reservations, and more than "two-thirds of the male adults of all the Chippewa Indians in Minnesota," as is required in the case of the Red Lake Reservation. (Section 1 of the act.)

The commissioners have not submitted their recommendations in separate form, and what is herein stated has been gathered from the general purport of their report, all of which will be more fully considered by the appropriate committees, with the view of doing complete justice to this tribe, which has reposed its confidence so firmly and fully in the Government and relied upon its justice.

It is provided in section 1 of the act authorizing negotiations "that all agreements therefor shall be approved by the President of the United States before taking effect."

The agreement or acceptance and consent of the Indians to the act, herewith, in ten parts, is therefore respectfully submitted for your action.

Before the ceded lands within any of the reservations can be disposed of as contemplated in the act, all of said ceded lands must be surveyed as the public lands are surveyed, after which they are to be carefully examined in 40-acre lots, by competent and experienced examiners

to be appointed for that purpose, and classified into "pine lands" and "agricultural lands," the pine lands are then to be valued and listed, etc. (section 4), and finally proclaimed as in market and offered for sale in the manner prescribed in section 5.

The agricultural lands not allotted nor reserved for the use of the Indians, after having been surveyed, are to be advertised for thirty days and disposed of to actual settlers under the provisions of the homestead laws, each settler being required to pay $1.25 per acre for the lands so taken by him.

Besides all this it will be necessary to ascertain how many and who of the Indians of the several reservations elect to take allotments on the reservations where they now live, as by the terms of the act they are permitted to do, instead of being removed to White Earth Reservation (section 3). It is not seen how any of the ceded lands, except possibly those of the Red Lake Reservation and the four townships ceded in the White Earth Reservation, can be offered for sale or settlement until the Indians of the several reservations who elect to remain and take allotments where they are shall have signified their intention to so remain and shall have made their individual selections for allotment; nor can the Red Lake ceded lands be so offered until the surveys, examinations, classification, etc., shall have been fully completed.

Your approval, therefore, of the agreement will not open any of the reservations to white settlement, nor render them subject to occupancy or disposal in advance of the complete fulfillment of the preliminary work of surveys, examinations, etc., and in the case or the "pine

lands," after all these preliminaries have been met, the lands must be "proclaimed as in market and offered for sale."

It is perhaps unnecessary, then, that any action should be had at this time other than the approval of the agreement.

Adverting here to the recommendation of the Commission that the Indians of the Red Lake Reservation be allowed to utilize the dead and fallen timber upon their reservation until such time as the survey, appraisement, etc., shall be made, I think this is reasonable, and it seems to me can be done under authority conferred by the act of February 16, 1889 (25 Stats., 673), which provides:

> That the President of the United States may from year to year in his discretion under such regulations as he may prescribe, authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians.

Under the authority thus conferred, the President, on October 16, 1889, authorized the Indians on the White Earth, *Red Lake*, and White Oak Point Reservations to cut and sell dead and down timber on their respective Reservations and I see no reason why the cutting and sale of the dead and down timber under the authority so granted and the regulations then prescribed may not be continued until the lands are placed upon the market as provided in the Chippewa act of January 14, 1889.

In invite attention to the fact that the instruments presented by the Commission as the result of the negotiations, and as the evidence that the Chippewa Indians in Minnesota have given their consent in writing to the cession and relinquishment of their title and interest in and to the lands as therein set forth, comprise ten parts, marked separately as A, B, C, D, E, F, and H, G, I, K, and L; these, however, in fact constitute as a whole one instrument, and the part marked C, and entitled "Signatures Roll Mississippi Chippewa Indians, White Earth Reservation, Minnesota," should be placed and considered as the first part, for the reason that it is the only part that embraces the text of the act under and for the purposes of which the Commission was appointed.

This is considered necessary, in view of the fact that the act is not recited in the other parts of the instrument, but is referred to therein as follows: "Which said act is embraced in the foregoing instrument," meaning evidently that part marked C, etc., as above stated.

With this as explanation, and as matter of record for proper under standing of the instruments, I think it would nevertheless be well for the approval of the President to be endorsed upon each of the separate parts of the said instrument.

I further recommend that a copy of the report of the Commission, and of all its accompanying papers (except the census rolls, which are bulky), with copy of this letter of the Department reviewing the same, be submitted to Congress for its information, together with the accompanying draft of bill for making the appropriations herein suggested.

I have the honor to be, very respectfully, your obedient servant,

JOHN W. NOBLE,
Secretary.

A BILL to enable the Secretary of the Interior to carry out an act, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January 14, 1889," and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums, or so much thereof as may be necessary be, and the same are hereby, appropriated out of any moneys in the Treasury, not otherwise appropriated, to be immediately available, to enable the Secretary of the Interior to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January fourteenth, eighteen hundred and eighty-nine, and for other purposes:"

For amount due the Chippewa Indians of Lake Superior and Mississippi, arising from balances of appropriations under treaties with said Indians, and covered into the Treasury between the years eighteen hundred and forty-three, and eighteen hundred and seventy-eight, inclusive; also, the aggregate difference between the coin value of payments made in currency during the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, at the dates of Treasury warrants, and the amounts due in coin by treaty stipulations, with interest at the rate of five per centum per annum, from the date of

said Treasury warrants to June thirtieth, eighteen hundred and ninety, the sum of one hundred and ninety thousand dollars, or so much thereof as may be required, to be expended by the Secretary of the Interior in the purchase of such articles as he may deem best, or in the payment of cash, to be apportioned in accordance with article eight of the treaty proclaimed January twenty-ninth, eighteen hundred and fifty-five, one hundred and ninety thousand dollars.

For compensation for losses and damage sustained by the Chippewa Indians on account of the building of dams and reservoirs on Lake Winnibagoshish, Cass Lake, and Leech Lake, the sum of one hundred and fifty thousand dollars, with interest at the rate of five per centum per annum from the seventeenth day of September, eighteen hundred and eighty-six, up to and including June thirtieth, eighteen hundred and ninety, the sum of one hundred and eighty thousand dollars, or so much thereof as may be necessary, to be paid in cash, per capita, in two yearly installments as follows: Two-thirds to the Pillager and Lake Winnebagoshish bands, now residing or entitled to reside on the Leech Lake, Lake Winnebagoshish, and Cass Lake Reservations, and one-third to the Mississippi band, now residing or entitled to reside on the White Earth, White Oak Point, and Mille Lac Reservations, one hundred and eighty thousand dollars.

For compensation for forty-six thousand nine hundred and twenty acres of land at one dollar and twenty-five cents per acre, on account of land overflowed in the construction of dams and reservoirs on Lake Winnebagoshish, Cass Lake, and Leech Lake Reservations, to

be divided in the same manner as the compensation for losses and damages above referred to, and to be paid in cash, per capita, fifty-three thousand six hundred and thirty dollars.

For the purchase and erection of saw and flour mills, agricultural implements; for surveys, appraisals, removals, and allotments; for payment of expenses, of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools, for subsistence and pay of employés, and for such other purposes as the Secretary of the Interior may deem proper, the sum of two hundred and fifty thousand dollars; *Provided*, That this amount shall be reimbursed to the United States from the proceeds of sales of land ceded by the Chippewa Indians under the act of January fourteenth, eighteen hundred and eighty-nine, two hundred and fifty thousand dollars.

SEC. 2. That the Secretary of the Interior is hereby authorized and directed to pay, per capita, to the Chippewas entitled to it, under the act of January fourteenth, eighteen hundred and eighty-nine, the sum of ninety thousand dollars, appropriated by section eight of said act of January fourteenth, eighteen hundred and eighty-nine (Statutes 25, page 645), as first annual payment of interest contemplated and provided for, in lieu of expending it in conformity with the provisions of the above-mentioned act of January fourteenth, eighteen hundred and eighty-nine.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 2, 1890.

SIR: Agreeably with your personal request, the 31st ultimo, I have the honor to transmit herewith the final report (in triplicate) of the Commission appointed to negotiate with the different bands or tribes of Chippewa Indians in the State of Minnesota, under authority of the act of January 14, 1889 (25 Stat. 642), together with the several agreements entered into, the census of the Indians, and the proceedings of the several councils held with them.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

UNITED STATES CHIPPEWA COMMISSION,
St. Paul, Minn., December 18, 1889.

SIR: We have forwarded to your Department by express, December 16, 17, and 18, one copy of the census taken by the Commission of the Chippewa Indians of the State of Minnesota; two copies of the stenographic record of proceedings in the councils held with them by the Commission; one copy of the agreements with the bands in the State, with the original signatures of the Indians attached; and inclose herewith one copy of a summarization of the census, and one copy of a summary showing the number of male adults in the various bands and the number of those who signed the agreements.

I shall be obliged if the receipt of the various papers is acknowledged.

Respectfully,

HENRY M. RICE,
Chairman.

HON. T. J. MORGAN,
Commissioner of Indian Affairs,
Interior Department, Washington, D. C.

UNITED STATES CHIPPEWA COMMISSION,
St. Paul, Minn., December 26, 1889.

SIR: In obedience to instructions from your office, dated May 24, 1889, accompanied by "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, this Commission met in this city June 11, 1889. After several meetings, it was deemed proper, owing to the deep interest the Right Reverend Bishop Whipple, and his grace Archbishop John Ireland, had taken in the welfare of the Chippewas, that they should be consulted. A copy of the following note was addressed to each, dated June 15, 1889:

> DEAR SIR: Your church has missions established among the Chippewa Indians in the State of Minnesota, with whom we are instructed to negotiate.
>
> On account of the intimate knowledge you have, and the deep interest you have manifested in the elevation of this race, we deem it proper you should be represented, and it will be a pleasure to the members of this Commission to have with us some one delegated by you who

may explain to the Indians any matters affecting their interests, which may be presented to them.

In response to this invitation, Bishop Whipple selected Rev. E.S. Peake, who had long resided with these Indians, and Archbishop Ireland selected the Rev. Father Aloysius, O. S. B., a resident priest among them, both of whom accompanied us to Red Lake.

That nothing should be omitted that could enlighten the Indians as to the intent of the Government, we had printed 500 copies of the act of January 14, 1889, and several hundred of the "Act to provide for the allotment of lands in severalty to Indians," etc., approved February 8, 1887. These we caused to be distributed among the missionaries, teachers, and other employés of the Government, as well as traders, mixed bloods, and Indians who read the English language.

Owing to their destitute condition, the Indians were scattered in search of food, their crops having failed the previous season, and much time was taken in collecting them.

The first council was held at Red Lake, June 29, where we remained until July 8. We found them intelligent, dignified, and courteous, but for several days indisposed to give a favorable hearing. The propositions were not as favorable as those made three years ago, which did not require the proceeds of their reservation to be shared with others. The chiefs were opposed to breaking up the tribal relations, fearing that if they were so broken their power and influence would be gone. The young men, however, were heartily in favor of the allotment plan, knowing that if their lands were held in

severalty, each man's earnings could be used for his own advantage, instead of, as heretofore, being necessarily shared with the idle, but they did not like the provision for providing with other bands, although when it was explained to them that the country from Lake Superior to and beyond the Red River of the North, was, by the united efforts of all the Chippewas, taken by conquest from the Sioux, and that had it not been for such united efforts, they could not have taken or held the Red Lake Reservation; they admitted the correctness of this statement, but thought some of their neighbors had received more than their due proportion of annuities from former sales.

Among themselves, boundary lines were not very strictly regarded, as those of one band intermarried with and joined such other band as was most agreeable; in fact, the young men roamed about at will. The Chippewas of this State did unquestionably, in early times, hold their lands in common. It was so in 1825, at the time of the treaty at Prairie du Chien, and no other idea would ever have been entertained had not the mistaken policy of purchasing a tract here and there from the bands contiguous thereto been adopted. Of the vast cessions heretofore made, there is little, and in many cases nothing, left to show any benefit derived by the Indians therefrom. This is owing largely to the hurtful practice, so long followed, of permitting their tribal relations to exist.

As a result of the reverence the young men have for their chiefs, they would not speak in council, but a delegation called upon the Commission after adjournment and request it should have patience, as they had resolved

to have a council among themselves, in hope of influencing their leaders, and if successful they would continue to keep in the background. They clearly saw the advantage to them of the propositions made, including the offer of the protection of the law. Their efforts were successful and all of their bands cordially gave their assent by signing the agreement, except a few called pagans, residing upon the north shore of the lake; their head chiefs and others, however, said they had no objections, and would sign when "they saw fulfilled the promises made." We found them very poor, having comparatively nothing to work with, not even farming implements. Years ago they had a saw mill, but from neglect, when a small expenditure would have kept it in repair, it was permitted to go to decay. So for years they have not had lumber to build new or repair old structures, or even make a coffin. They earnestly plead for a saw-mill, and also cattle and such other helps as would enable them to commence at once to improve their condition.

They claim, and we think with at least the appearance of truth, that their boundary as surveyed is not in accordance with the treaty lines. We recommend that an engineer of reput be employed to examine and report the facts.

They earnestly asked that they might be permitted to utilize the dead and fallen timber upon the reservation until such time as the survey and appraisal shall be made. As this will be of great help to them and the trees will otherwise be destroyed by fire, worms, and rot, we agreed to support this most reasonable request.

They also begged that they might have an agent, as this reservation is so far (80 miles or more) from the White Earth Agency.

We think the Red Lake Indians, if properly aided, will become self-supporting and useful citizens.

The Red Lake Reservation, which they cede to the United States, contains 3,260,000 acres. The number of Indians occupying the same is 1,168.

The boundaries of the diminished reservation, from which allotments to the Red Lake Chippewas are to be made, are as follows:

> Commencing at Thief River at a point on the dividing line between Marshall and Polk Counties, as designated on a map published by Rand, McNally & Co., of Chicago, in 1888; thence eaasterly [sic] to a point on the northwesterly shore of Upper Red Lake; thence along the northern shore of said lake to a point due north of a point 1 mile due east from the eastern end of the Lower Red Lake; thence southwesterly to a point on Hay Creek 1 mile from its mouth; thence due south to a point due east of a due westerly line which when extended will run between what is known as the most southerly sugar-bush on Red Lake road to White Earth, and north of what is called the "Big Marsh" to Clearwater River (said line being about 6 miles south of Red Lake); thence down Clearwater River to the southwesterly reservation line; thence along said line to the place of beginning (excepting the right to use in common all the water-ways within the above described limits).

This is larger than they will eventually require, but as there are swamps and other untillable lands therein, it can not be reduced until after survey and allotment shall be made.

White Earth Reservation, occupied by the Chippewas of the Mississippi, Pembinas, and Otter Tail Pillagers, contains 796,672 acres, of which they cede to the United States four townships of pine land, viz: Townships 143, 144, 145, and 146, range 37 west. Residing on this reservation are Chippewas of the Mississippi, 1,169; Otter Tail Pillagers, 657; Pembinas, 218.

The first council was held at White Earth July 17, and the last on July 29. As with the Red Lake Indians, they were suffering for want of food, owing to the loss of their crops by early and severe frosts the season before. All were strenuously opposed to entertaining any propositions until the provisions of article 9, of the treaty of September 30, 1854, made at La Pointe, Wis., was fulfilled, and a settlement had for the damages to their reservation near the headwaters of the Mississippi, caused by building the reservoir dams; provisions for an adjustment in each case was made by the Northwest Commission three years ago in negotiations with them and the Leech Lake Indians, which negotiations have not been acted upon by Congress.

In regard to the treaty of September 30, 1854, it was impossible for us to explain why its plain and unquestioned provisions had not been fulfilled. The Chippewas employed an agent, and a delegation accompanied him to Washington some years ago, and after urgently insisting upon a settlement, there was found due to them the sum

of $118,400, which had accrued from balances that had been covered into the Treasury between the years 1843 and 1878. This amount has never been questioned as being due under the treaty stipulations, and in the opinion of this Commission should be included in regular estimates. We gave the most solemn promises that our best efforts would be given to secure justice in this case, believing that we but voiced the intent of the Government in so doing. After giving assurance that justice would be speedily done and that we would bring the attention of the Department to those claims, the acceptance and signing of the propositions made was nearly unanimous.

The following will show that the Indians had been officially informed of the amount due them up to and including the year 1878. (Two-thirds of this amount goes to the Chippewas of Lake Superior, and one-third to those of the Mississippi.)

OFFICE OF INDIAN AFFAIRS,
Washington, December 8, 1884.

SIR: I am in receipt of your letter dated the 29th ultimo, in which you state that four years ago you were called to this city to converse on matters concerning your reservation; that while here you were informed that there was due to your people the sum of $118,400; that said sum would be pain in annual installments; that 50,000 thereof was drawing interest, and that said interest would be paid to the Chippewas.

You want to know why these promises have not been kept, and that you be informed in brief what you are to expect, etc.

In reply I have to state that on the recommendation of this office, on the 5th day of April, 1880, a bill was introduced in Congress to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and Mississippi. This bill proposed an appropriation of the sum of $118,406.29, being the total amount arising from balances of appropriations under treaties with said Indians and covered into the Treasury between the years 1843 and 1878, inclusive. And the aggregate difference between the coin value of payments made in currency during the years 1863, 1864, and the amounts due in coin by treaty stipulations with interest at 5 per cent. per annum, from date of Treasury warrants to February 6, 1880.

Section 2 of this bill provided that of the above amounts $38,400.29 should be paid to the said Indians and that the remainder, $80,000, should remain in the Treasury to draw interest at 5 per cent., said interest to be paid annually per capita or expended for the benefit of the Chippewas, under the direction of the Secretary of the Interior.

This bill never became a law through the failure of Congress to take action, and this office has exhausted its endeavors to obtain the appropriation named.

Very respectfully,

H. PRICE,
Commissioner.

AN-KE-WAIN-ZE,
Head Chief of Lac Courte D'Orielles.

(Care United States Indian Agent,
La Pointe Agency, Wis.)

See also the speech of Hon. Jacob H. Stewart, of Minnesota, in the House of Representatives, delivered Monday, February 24, 1879, on the bill (H. R. 6471) making appropriations for civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, as printed in the Congressional Record, March 1, 1879, under "Sundry Civil Appropriation Bill." The speech referred to contains the report of the committee upon this subject.

Messengers are now out, sent by the Chippewas of Lake Superior to those of the Mississippi, inviting them to send delegates to meet in convention at Ashland, Wis., on January 11 next, for the purpose of employing claim agents to prosecute and collect the amount found due, to, and including the year 1878, as stated by the Indian Office, April 5, 1880, viz, $118,400, with interest to date at 5 per cent., $59,200; total, $177,600.

The claim agents expect the Indians to allow them 15 per cent of the amount. It can but be detrimental to the Indians to be thus harassed, kept in suspense, and finally compelled to pay to others a large commission in order to secure the payment of a just claim against the Government.

These Indians have an old saw-mill, but for want of repairs it can not be used.

Their flouring-mill, not being properly cared for, was burned a short time ago, but for want of repairs had not been running for several years. Consequently the Indians such as had grain have been compelled to go many miles to have it ground.

When in the settlements of the whites, to say nothing of the expense and loss of time, they are subject to unavoidable temptations. Many have not teams and have to employ others to take their grain to the mills, and after paying transportation and toll, leaves but a moiety for their use. The Indians made special complaints in regard to the want of milling facilities. At their request, with the aid of Agent Schuler, we investigated the condition of their farms, and found about 5,000 acres seeded in wheat, oats, barley, and vegetables, but owing to the want of rain not more than half a crop will be grown. At least 2,500 acres heretofore cultivated lies fallow for the want of seed and teams.

Here, as well as at Red Lake, Rev. Mr. Peake, rendered valuable services.

After completing our work at White Earth we went to Gull Lake, where we found a small band, numbering 277, belonging to the Chippewas of the Mississippi. Some of them had attended the councils at White Earth, and all seemed familiar with the propositions submitted to them. We, however, went through with the explanations in detail, and after consultation among themselves all signed the agreement. They promised to make their permanent home on the White Earth Reservation as soon as they should be furnished with means to enable them to cultivate the soil and to subsist until they can make a

living. This agreement was concluded on the 5th of August.

We held the first council at Leech Lake, August 8. We were received at this place with all the pomp and show the Indians could display. Guns were fired and every flag in the settlement was flying. A guard of honor, dressed in war feathers and decorated with paint, greeted us with open arms. We were informed that this guard was for our protection, especially to keep the pillagers from giving us any personal annoyance. Faithfully did they perform their duty, not only by day but by night. No Indians were permitted to see us unless accompanied by a detail from this polite and considerate guard, which was master of the situation. The party that originated and organized this body, knowing the object of our mission from the copies of the act we had sent in advance, as well as from persons of their own band who had attended the councils at Red Lake and White Earth, were fully determined that no business should be transacted between the band and the Commission until they should be satisfied that it had the authority to provide for the settlement of outstanding claims. They were polite and courteous, but were resolved to keep us, as well as the uncertain of their band, under there restraint of the guard. They felt that they had been grievously wronged.

After a few days we broke their lines, inducing the chiefs to speak in council who for several days had not been heard. Stormy debates took place in council, accompanied by threats, which afterwards, at the request of the chiefs, the commission directed to be stricken from the minutes.

These Indians, even the most bitterly opposed, said that had we come empowered to ajust unsettled matters they would not have made any objections to the propositions, nor would they have detained us long. Enough, however, gave their consent as required in writing. Others said that they would assent when they saw a disposition on the part of the Government to right the wrongs they had suffered. We were kept there until August 22. We had to give a solemn promise with raised bands that we would to our utmost ability urge the immediate settlement of unadjusted claims.

On the 21st of August, 1817, the Pillager Indians at Leech Lake, Minn., ceded to the United States a tract of land bounded as follows:

> Beginning at the south end of Otter Tail Lake; thence southerly *on the boundary line between the Sioux and Chippewa Indians*, to Long Prairie River; thence up said river to Crow Wing River; thence up Crow Wing River to Leaf River; thence up Leaf River to the head of said river; and thence in a direct line to the place of the beginning.

This tract contains nearly 700,000 acres, and was sold to the Government for about $15,000. The Pillagers parted with it, believing, as they were told, that it was for the occupancy of the Menomonee Indians, a tribe at peace with them as well as with the Sioux. For generations a fierce war had raged between these two last-named tribes. The Pillagers believed that if the friendly Menomonees were between the belligerents peace might follow. By the treaty of October 18, 1848, the United States

ceded to the Menomonees the aboved-described tract in exchange for all their lands in the State of Wisconsin.

The Menomonees, manifesting a great unwillingness to remove west of the Mississippi, by treaty dated May 12, 1884, receded to the United States the foregoing tract in exchange for a part of their old house in Wisconsin and the sum of $242,686, for which the Pillagers received less than $15,000. According to Indian reasoning the consideration stipulated was never paid; that is, the occupancy of said tract by the Menomonees, thus protecting them from the incursions of Sioux war parties.

The Pillagers, at the time of the cession, were told by the commissioners that the said tract would be held as Indian lands are usually held, and that their friends, the Menomonees, would occupy it. The commissioners were Isaac A. Verplank and Henry M. Rice. The Pillagers from the time that they heard that the tract was not to be occupied by the Menomonees, as stipulated, have to this day considered that they have been injuriously overreached. They have never ceased to complain of this, and never will until reparation shall be made. We can not too strongly urge that the Government cause this matter to be carefully investigated, and in some way allow the Pillagers what may be found to be in equity due them. Indians are not unreasonable when fairly dealt with, and as they are about starting out as citizens under this act, aid will be of greater benefit now than heretofore, and is more needful now than it can be at any future time.

As to the damage done by the overflow of the reservoir dams, the Department is respectfully referred to the following communication:

[House of Representatives, Forty-eighth Congress, first session, Ex. Doc. No. 76.]

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 19, 1883.

SIR: By a provision in the river and harbor act of June 14, 1880 (21 Stat., 193), the sum of $75,000 was appropriated for the reservors at the headwaters of the Mississippi River, to be used in the construction of a dam at Lake Winnebagoshish, with the provisi that all injuries occasioned to individuals by overflow of their lands shall be ascertained and determined by agreement, in accordance with the laws of Minnesota, and shall not exceed in the aggregate $5,000, etc.; and by a provision in the river and harbor act of March 3, 1881 (*Id.*, 481), the sum of $150,000 was appropriate for reservoirs upon the headwaters of the Mississippi River and its tributaries, and the Secretary of the Interior is authorized and directed to ascertain what, if any, injury is occasioned to the rights of any friendly Indians occupying any Indian reservation by the construction of any of said dams, or the cutting or the removal of the trees or other materials from any such reservation for the construction or erection of any of said dams, and to determine the amount of damages payable to such Indians therefor, which damages, when determined, to be paid by the United States, with the proviso that such damages shall not exceed 10 per centum of the sums hereby and heretofore (act 1880, $75,000) appropriate for the construction of said reservoirs.

Under these provisions of law Messrs. A. Barnard, of Minneapolis, Thomas Simpson, of Winona, Minn., and Louis Morel, of this office, were designated by the Department, on the 11th of August, 1881, as special

agents to ascertain the injury occasioned to friendly Indians by the construction of the reservoirs at Lake Winnebagoshish and Leech Lake, and to determine the amount of damages payable to such friendly Indians as might suffer on account of the construction of said reservoirs; and on the 20th of August the necessary instructions were issued to said agents, defining their duties, and the manner of proceeding to ascertain and determine the damages resulting to friendly Indians.

On the 6th of October, 1881, these agents submitted their findings and award, which was submitted to the Department on October 18, following, for consideration, and, if approved, to be forwarded to the Secretary of War for settlement under the act of 1881.

The injuries arising from the construction of these reservoirs and the assessments of damages to friendly Indians were considered by these agents and reported in separate schedules, one for Lake Winnebagoshish and the other for Leech Lake, being classified as (1) injuries to individual property, and (2) injuries to tribal property.

The damages were, in the aggregate, at Lake Winnebagoshish, assessed at $8,393.30, and those at Leech Lake, $7,073.60.

These valuations, amounting jointly to $15,466.90, were approved by the Department and forwarded to the War Department, and the money was placed toe the credit of the Interior Department for distribution under the award.

The Indians protested against this assessment as being entirely too small, and at one time there was danger of a serious outbreak, but the violence was prevented by the friends of the Indians, with the hope that the question of damages would be reconsidered.

These facts having come to the knowledge of the Department, it was determined to appoint a new commission to assess the damages, and on December 23, 1882, you appointed and commissioned for that purpose General H. H. Sibley and William R. Marshall and Rev. J. A. Gilgillan, who were to serve without compensation other than their necessary expenses. Subsequently General Sibley, on account of ill health, resigned, and R. Blakeley, esq., was appointed to fill his place.

I am now in receipt, by Department reference, of the report of these gentlemen, dated the 4th instant, submitting in detail the result of their findings. They state that it was entirely out of the question for the commission to arrive at a reasonable agreement with the Indians as to the amount of damages by the reason of the construction of the dams; and that the amount of Land overflowed has been materially reduced, as indicated in letter of Major Allen, of October 24, 1883, the amount being only 46,920 acres, instead of 101,940 acres, as heretofore reported, and in the aggregate is divided as follows, viz:

Winnebagoshish reservoirs, 23,240 acres; Leech Lake reservoirs, 28,680 acres.

The commission make [sic] awards for timber cut, rock taken, and damages to industries, but none for land taken.

Their award is as follows, viz:

Lake Winnebagoshish and Cass Lake:	
Personal property	$1,936.50
Tribal property	3,649.58
	5,586.58
Leech Lake:	
Personal property	105.00
Tribal property	1,075.00
	1,180.00

White Earth and Mississippi bands, pine cut, $3,272.10.

The Commission estimate for these latter bands an annual damage for rice, at 10 cents per pound, $8,610 and for hay, at $28 per ton, $9,800; total $18,410.

For the Indians at Lake Winnebagoshish and Cass Lake they estimate the annual damage as follows, viz:

Hay	$3,640.00
Loss of fish	4,350.00
Loss of cranberries	300.00
Los of sugar	100.00
Total	8,390.00

The Commission say [sic] that the Indians will be very materially damaged in their industries and will require permanent provision. The total damage awarded by the Commission, outside of resultant damages, is as follows, viz:

Individual property	$ 2,041.50
Tribal property	7,996.69
Total	10,038.18

The total annual damage awarded by them is $26,800.

The estimate of the Commission for annual damages for rice at 10 cents per pound, and hay at $28 per ton,

would appear at first sight to be rather extravagant, but when we consider that over 46,000 acres of land are taken from the Indians without any compensation whatever, it is believed that the estimate is not too high.

There are funds now at the disposition of this Department, under the act of 1881, sufficient to pay the damage awarded for individual and tribal property, $10,038.18, but as the Indians refused to accept the award in this respect of the former Commission, which is some $5,000 greater than that of the present Commission, they will hardly accept the latter unless an appropriation is made to pay the annual damages awarded by the latter Commission.

In accordance with the award of the Commission it will require $36,838.18 for present payment, of which amount, as before stated, $10,038.18 is available, leaving $26,800 to be provided for.

As the acts of 1880 and 1881 make provision for payment of present damages only and none for the payment of annual damages, I am of opinion that the sum for the present year should be treated as a deficiency, and recommend that Congress be asked to attach an item to the deficiency bill, already submitted by this Department, appropriating the sum of $26,800, and that annually hereafter an appropriation of $26,800 be made in order to carry out the award of the Commission.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner.*

The SECRETARY OF THE INTERIOR.

It appears by this that the award, amounting to $15,466.90, was without hesitation rejected by the Indians. Is it surprising that they should have done so, when the United States engineer, Major Allen, reported that the number of acres overflowed amounted to 46,920, which overflow destroyed their gardens, their rice fields, their hay lands, their fish, and their grave-yards? It is an annual and perpetual loss. The award did not allow 40 cents an acre for the land, to say nothing of the damages occasioned by the loss of their almost sole subsistence.

On December 22, 1882, a new commission, consisting of General and Ex-Governor William R. Marshall, Capt. R. Blakeley, and Rev. J. A. Gilfillan, was appointed; practical, thorough going men, in whose judgment every one had confidence. After a careful and exhaustive examination these gentlemen estimated the annual damages at $26,800, and the damages to individual and tribal property at $10,038.18.

The Commissioner of Indian Affairs then approved of this award. He said:

> In accordance with the award of the Commission it will require $36,838.18 for the present payment, of which amount, as before stated, $10,038.18 is available, leaving $26,800 to be provided for; and that annually thereafter an appropriation of $26,800 be made, in order to carry out the award of the Commission.

The Secretary of the Interior, in approving of the foregoing, says:

No award is made by the Commission for or on account of the land taken and occupied in the construction of the reservoirs.

By the fourth article of agreement made by the Northwest Indian Commission (not acted upon by Congress) on the part of the United States and the Pillager Indians, it was agreed that the United States would pay said Indians $150,000, which should be in full satisfaction for losses and damages sustained by them, one-third of said sum to be paid to the Chippewas of the Mississippi, and two-thirds to the Pillagers, etc., from which agreement they never heard until informed by us.

From information received on this subject, this Commission can not recommend a less award than the amount mentioned, viz, $150,000, with 5 per cent interest per annum to date, and $1.25 per acre for the overflowed lands. These Indians have absolutely ceded to the United States 46,920 acres, which can not be sold as provided in the act of January 14, 1889, for their benefit, as it is and must be reserved for the overflow caused by the reservoir dams.

From Leech Lake we went to Cass Lake, holding our first council there August 23, and the last on the 26th of the same month. As many of the Indians of this band attended all the councils at Leech Lake, all they required was that explanation should be made to those who were not present at the latter place. They in strong terms asked that unsettled matters be liquidated as soon as possible. All freely gave their assent and signatures to the propositions.

From there we went to the Lake Winnebagoshish band. We had much trouble in assembling them as they were out gathering wild rice. Our first council was held August 31, and the last September 2, but we were in almost constant session day and night, as they were anxious to return to their rice fields. Several of the chiefs had attended the councils at Leech Lake, and seemed well informed of the object of our visit. The injury done them in building the reservoir dams was without doubt very great. Two or three of their burying grounds were so washed by the overflow that the remains of their buried dead were unearthed and scattered along the shore. This desecration but added poignancy to the sorrow caused by the loss of subsistence.

Here, as at Cass Lake, they felt deeply hurt that those who were in the greatest want – the old, the sick, and the helpless young – should have been compelled to *appear in person* at Leech Lake when their annuities were paid or go without them. This harmful practice could be easily avoided by paying to the representatives of such, with the approval of the chief, the amount due. These Indians, like those of Cass Lake, are destitute of aid from the government, having no missionary, school, farmer, blacksmith, or physician. The Winnebagoshish Reservation is marked upon the map by township lines, which is erroneous, as the treaty fixes its line by natural boundaries beyond those shown by township lines. This has given much dissatisfaction, as white have settled between the two lines, and consequently upon the reservation, as the Indians claim. The matter should be adjusted. Every adult male of the band gave his assent to the agreement.

On September 5 we held a council with a part of the White Oak Point Indians at Payment Point; on the 6th at White Oak Point, and on the 7th near Grand Rapids. Most of these Indians showed such signs of dissipation and consequent degradation as would lead one to fear they were beyond the hope of improvement. They seem aware of their condition, and tremblingly asked that whisky might be kept from the county. They also asked that missionaries and school teachers be sent them. They seemed like lost wards of the Government, who had fallen into the hands of their worst enemies, the whisky sellers. All present gave their signatures.

From the last point we sent our messengers to find the scattered members of other White Oak Point bands, and succeeded in gathering them at Kimberly, a water tank station on the Northern Pacific Railroad, were we held the first council September 19, and our last on the 23d. The two leading chiefs had attended the councils at White Earth, and had made known to their people the object of our mission. We found these people healthy in body and mind, unusually bright, and careful of self. All were anxious to acquire land is severalty, and the young men were eager to find work. Their very appearance indicated a working and industrious class. They said they had been forced to look for subsistence outside of their reservation. Their bands numbered one hundred men. All except one signed the agreement.

On the 2d of October we met the Mille Lac Indians, and were with them until the close of the 5th, and almost constantly in council.

Contrary to the general opinion, we found them intelligent, cleanly, and well behaved. Their neighboring white settlers gave them a good name. Some who had been on these borders for many years said they had never been molested in person or property by them. Upon this reservation there are a large number of whites, who have made claims thereon, and even many of these testified to the harmless conduct of the Indians. Their principal fault seems to lie in possessing land that the white man wants.

This reservation was set aside for their use by treaty of February 22, 1855, and was guarantied as their permanent home. By this treaty land was to be plowed and prepared for cultivation. As a sample of injustice to them we were told that the land had been plowed several miles north of their reservation, and not a foot for their use thereon. To satisfy ourselves of this, we visited the place designated (lots 1 and 2, section 13, township 44, range 28 west) and ascertained from the then occupant, a very respectable citizen by the name of Dinwiddie, that his farm embraced the improvement mentioned, which had been made before he purchased.

By the treaty of March 11, 1863, this reservation was ceded to the United States, but by a proviso in article 12 it was stipulated –

> That owing to the heretofore good conduct of the Mille Lac Indians they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites.

By article 4 of same treaty it was agreed that the United States should clear and stump and grub and break

for the Mille Lac band, upon said reservation, 70 acres of land, which confirmed the belief that they were not only permanently located, but had the sole occupancy of the reservation.

In the treaty of May 7, 1864, which was intended to supersede the one last alluded to, article 4 makes the same stipulation as to the breaking of 70 acres of land, and by article 12 a promise as to their living thereon, the same as provided by the treaty of March 11, 1863.

The Interior Department now holds that –

> The Mille Lac Indians have never forfeited their right of occupancy and still reside on the reservation.

But, notwithstanding this, white men have been permitted to rob them of their pine, and for years to settle upon their agricultural lands, and there to remain in quiet possession to this day to the great injury and fear of the Indians. Some of the whites had the shameless audacity to take from the Indians land the latter had, with much labor and perseverance, put into cultivation. Squatters are now settling upon this reservation, and the interest of the Indians ignored.

There are many persons upon the Mille Lac Reservation who went there believing that they had a right so to do. They were induced to believe so by the action of persons who not only sought the rich pine forests thereon, but actually secured, as is believed, patents to many acres thereof. It is possible matters can be so arranged as to give in some way protection to the well intentioned but misled whites who have made homes upon this tract; but be that as it may, the question of right

should be settled at the earliest possible moment, for the greater the delay the more difficult will be its adjustment.

All present assented to the agreement and signed the same.

One council was held at Grand Marais, with a part of the Grand Portage band, October 20. These Indians accompanied the Commission to Grand Portage, where councils were held October 23, 24, and 25. At these councils the Indians gave very marked attention, and at the last council expressed themselves as fully understanding and fully satisfied with the terms of the act, and signed the article of agrement [sic] with much cheerfulness and unanimity. These Indians complain that white fishermen spread so many large nets near their reservation that the Indians are unable to procure a supply of fish for food.

Bois Forte and Vermillion councils were held November 9, 10, 11, and 12.

At the first council the Indians seemed timid and distrustful. Indeed, the Vermilion [sic] Lake and Net Lake parties seemed to destruct each other, and declined to enter into the discussion of the subject presented to them. Subsequently better councils prevailed, and the Indians announced that they should hereafter act as a unit. From this time the discussion was entered into with freedom and cheerfulness, and finally resulted in their "touching the pen" with great solemnity and much formality.

These Indians have the best hunting grounds of any of the Chippewa bands; there being contiguous to them an immense tract of timber land over which the white man seldom passes. They seem willing to learn to till the

soil, but ask for better facilities. When asked how the cultivated their potatoes, these men of the North say they drove a stake into the ground and pried up the earth, and then made it fine with their hands. Much of the lands on the Lake Superior Reservations is unfit for cultivation. And it is believed that if representatives from these bands can visit White Earth, many of them will cheerfully remove there. The Bois Forte Indians complaint that they have been despoiled of a large amount of timber cut from their reservation, which is run down Little Fork River to the British possessions. We promised to call the attention of the Department to this.

At Fond du Lac the first council was held November 18, and continued daily until and including November 21.

It will be seen by the proceedings that Nah-gah-nub, the head chief, did much of the talking. He is a very old man and not in his prime, physically or mentally, but is respected by all. Many of his band for want of work (the cutting of timber on this reservation having been suspended by order of the Department) are in great danger of suffering during this winter and coming spring. Heretofore, while permitted to cut timber, they were well to do and contented.

Like all of the Mississippi bands, they feel greatly grieved at the long continued withholding of the money due them from the Government. Our positive assertions that justice should speedily be done, not only in this respect, but in the matter of a palpable error in the boundary lines of their reservation, induced them to listen attentively to the propositions submitted, and all touched the pen.

By the fourth article of treaty at La Pointe, September 30, 1854, it is stipulated, that the Fond du Lac Reservation shall embrace the following boundaries:

> Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-sco-me-me-tig, running thence west to the boundary line heretofore described, thence north along said boundary line to the mouth of Savannah River, thence down the St. Louis River to the place of the beginning. And if said tract shall contain less than 100,000 acres, a strip of land shall be added on the south side thereof large enough to equal such deficiency.

Whoever was sent to make a survey of this reservation followed the last clause of the article, and by his survey limited the area to 92,346 acres, the north end of his survey line on the west not reaching within 12 miles of the mouth of the Savannah river, thus defrauding these Indians of over 100,000 acres, which lands were put into the market and long ago disposed of by the United States; and for over a quarter of a century this injustice has been permitted to exist, a festering and deep-seated cause of complaint against the Government. The Indians at the time of the making of the treaty had the boundary lines definitely fixed, by natural lines to them unmistakable. They knew no more about acres than they did of the mariner's compass.

We had no hesitation in promising that the Government would speedily remedy this grave error.

As the various bands decided to take their allotments on their respective reservations, and have constructively done so, we told them that the $90,000 to be advanced

and already appropriated would be paid pro rata, as soon after the approval of these negotiations by the President as should be practicable, but not later than the coming spring. The amount will be so small to be paid to each individual that it is not probable that any will elect to receive anything but money. As they are in the most destitute condition, and as we gave them to understand that the money would be so paid, we trust neither the Indians nor the Commission will be disappointed in this.

The clause of the act of January 14, 1889, providing for the payment of the interest that may accrue on the permanent fund, was to us obscure inasmuch as it says "one half of said interest shall be annually paid in cash in equal shares to the heads of families and guardians of orphan minors for their use, and one-fourth of said interest shall during the same period and with the like exception be annually paid in cash in equal shares per capita to all other classes of said Indians," etc., and as we could neither explain this to the Indians or comprehend it so as to give it such an interpretation as would do equal justice we promised the cash payment should be made per capita in equal shares.

Wherever we went the Indians expressed a desire that the Government would set aside a sufficient quantity of land upon each reservation for Government buildings, such as may be necessary for physician, blacksmith, farmer, carpenters, and for missionaries, traders, etc. We hope this will be done, and that order, as to the location and the erection of all such buildings, will be enforced.

They also requested that upon each reservation a tract of pine land be reserved and held by the General

Government, as might be necessary for their common use, and to be so held during the pleasure of the Secretary of the Interior. We earnestly commend this request.

They all earnestly plead for saw-mills, cattle, agricultural and mechanical implements, which they must have or they can make no substantial progress. They must be assisted in breaking and fencing land, building houses, and with provisions, until they can sustain themselves. They are no longer tribal Indians, but citizens at present helpless, and must be treated as such. The saw-mills are of the utmost importance, for at present nearly all live in single-room wigwams or huts, where privacy is unknown, without or within. To return young boys and girls to such abodes who have been educated in refined and chaste society at Government schools in the East will be destructive to their morals and a loss of the expense incurred.

Although the Indians have decided to take their allotments upon their reservations, it will not be well, in many cases, they should do so, and we believe that if rightly cared for, many can be induced in the near future to remove to White Earth. For this reason it may not be prudent to urge the making of individual allotments upon other than White Earth and Red Lake Reservations at present.

According to the established custom, none but chiefs and headmen speak in council, but at various places others conferred with us by day and by night, and many as individuals expressed a desire to remove to White Earth as soon as provisions can be made for their subsistence. Their removal should be encouraged, as it will be

of the greatest benefit to the Indians and to the State. It is now impracticable to make allotments upon any save the White Earth Reservations, and will be until the others shall be surveyed. All but the White Earth and a part of the Red Lake Reservation, are heavily timbered and unfit for cultivation without a heavy expenditure of money and labor, and at best can not for many years be profitably farmed; and it is doubtful, now that the game has nearly all disappeared, if for several years they can raise enough for self-support.

As 10 acres of maple timber for sugar making is a large tract for one family, they requested that, to accommodate as many as possible, 10 acres only, by legal subdivisions, should be allowed each family now occupying the same. We promised to ask that this most sensible request be granted.

As the four townships of pine land ceded to the Government, of the White Earth Reservation, have been surveyed, and as the timber is liable to be stolen or burned, the Indians desire an early estimate and sale of the same.

On some of the reservations there are swamps of valuable cedar and tamarac which can not be cultivated or sold for agricultural purposes, and the land is liable to be denuded of the timber by trespassers. The Indians request that such land be withheld from sale under the preemption laws, and that the Secretary of the Interior be authorized to cause the same to be sold in such manner and upon such terms as to him shall seem best for their interest.

It is reported and believed that upon the Grand Portage, Bois Forte, and Vermilion Reservations there are valuable mines, and that if such are discovered after examination they shall be disposed of by the Secretary of the Interior so as to best subserve the interests of the Indians. This is in accordance with their request.

A further appropriation for surveys and examination of lands will be necessary. The pine ceded is estimated by various parties to reach in value from twenty-five to fifty millions of dollars. A small appropriation can be used for the purpose of defraying the expenses of Indians from a distance who may desire or can be persuaded to visit the White Earth Reservation with the expectation of removing thereto before allotments shall be taken or confirmed elsewhere.

Provision should be made for a mill, furnishing cattle, and farming implements, etc., to enable to Red Lake Indians to commence farming and building houses the coming spring.

The head chief of the Pillagers, Flatmouth, has for several years resided in Canada, his sister, Ruth Flatmouth, is in her brother's absence the acknowledged Queen, or leader of the Pillagers; two other women of hereditary right acted as leaders of their respective bands, and at the request of the chiefs were permitted to sign the agreements.

In taking the census, which was a tedious work, we took unusual pains to see that all rightful persons were included, and in every case not only submitted it to the chiefs and leading persons of the tribe, but secured their presence and assistance. After having explained to them

the importance of accuracy, they fully and earnestly gave their best efforts to insure is correctness.

United States Agent B. P. Schuler accompanied us to each and every band within his jurisdiction, and gave us most valuable official as well as personal assistance.

M. A. LEAHY, United States agent at Ashland, joined the commission at the Fond du Lac Reservation and rendered us material aid.

Father Aloysius, O. S. B., was with us at Red Lake, White Earth, and Leech Lake, and at all times used his influence in the interest of our work.

In no instance did we encounter opposition from the traders or white men, husbands of Indian women; on the contrary all readily gave such assistance as they could. We feel warranted in saying that there was not an Indian who was not fully informed of the purport of our mission, and that the assent of all would have been obtained had authority been given us to put in the way of adjustment unsettled claims.

In the expenditures incident to the long distance traveled, the length of time consumed, the number of Indians we were compelled to subsist, and the large force we had to employ as messengers in taking the census and aiding in securing the signatures of such only as were authorized to sign the agreements, and making in duplicate said agreements, and in triplicate the census rolls, we have had constantly in view the injunction of "observing and practicing the utmost economy."

Among the Indians are many well-educated mixed-bloods, who will be of great assistance in leading the unenlightened onward.

In Michigan, Wisconsin, and elsewhere we know there are persons of Chippewa blood that will claim, and no doubt many are entitled to, the benefits under the recent negotiations who were, from their higher education and associations, forced to separate from their bands and seek a living and more congenial society elsewhere, who, now that they can hold lands in severalty and come under the protection of the law, will return to their old homes; for such consideration should be given hereafter. We think, however, that the safe rule to be observed will be to consult the chiefs and head men as to the justice of their claims.

To enable the Indians to commence their new life in such a way as will, *without loss of time*, encourage them to follow all industrial pursuits possible, it is evidence a sum should be advanced by the Government sufficient to enable them, with their labor, to put as much land under cultivation and build as many homes as practicable. At each and every place, either in open council or in private consultation, they were urgent in requesting such aids as are indispensable to white men. Especially, all not pagans expressed a decided preference for mission schools, deeming it essential that the morals of their children, as well as their education, should receive careful attention.

If this shall be done and the Indians are properly guided, the most happy results may be expected to follow.

Give the Indian justice, kind and patient treatment, and his confidence can be gained, and by a wise hand he can be started on the road to a useful life. He is naturally trustful, with strong attachments for those he believes to be his friends. To his enemies and to those he distrusts, a different nature will be unmistakably visible.

In carrying out this new departure, many details must be considered. Of the final result of this most beneficent measure, properly put into execution, there can not be a doubt.

Respectfully,

HENRY M. RICE.
MARTIN MARTY,
JOSEPH B. WHITING.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs,
Interior Department, Washington, D.C.

* * *

E.

SIGNATURE ROLLS, MISSISSIPPI CHIPPEWA INDIANS, MILLE LAC BANDS.

We, the unresigned, being male adult Indians over eighteen years of age of the Mille Lac band of Chippewas of the Mississippi, occupying and belonging to the Mille Lac Reservation under and by virtue of a clause in the twelfth article of the treaty of May 7, 1864 (13 Stat., p. 693), do hereby certify and declare that we have heard read, interpreted, and thoroughly explained to our understanding the act of Congress, approved January 14, 1880, entitled "An act for the relief and civilization of the

Chippewa Indians, in the State of Minnesota" (Public No. 13), which said act is embodied in the foregoing instrument, and after such explanation and understanding, have consented and agreed to said act, and have accepted and ratified the same, and do hereby accept and consent to and ratify the said act, and each and all of the provisions thereof, and do hereby grant, cede, relinquish, and convey to the United States all our right, title, and interest in and to all and so much of the White Earth Reservation as is not required and reserved under and in accordance with the provisions of said act to make and fill the allotments in quantity and manner as therein provided for the purposes and upon the terms stated in said act; and we do also hereby grant, cede, and relinquish to the United States for the purposes and upon the terms stated in said act, all our right, title, and interest in and to the lands reserved by us and described in illegible first article (ending with the words "to the place of beginning") of the treaty with the Chippewas of the Mississippi, proclaimed April 18, 1867 (16 Stat., p. 719), and also, to the aforesaid executive addition thereto made and described in an executive order dated October 19, 1873; and we do also hereby cede and relinquish to the United States all our right, title, and interest in and to all and so much of the Red Lake Reservation as is not required and reserved under and in accordance with the provisions of said act, to make and till the allotments to the Red Lake Indians, in quantity and manner as therein provided; and we do also hereby forever relinquish to the United States the right of occupancy on the Mille Lac Reservation, reserved to us by the twelfth article of the treaty of May 7, 1864 (13 Stat., p. 693).

Witness our hands and seals hereto subscribed and affixed at Mille Lac, in the State of Minnesota, this 5th day of October, 1889,

[SEAL.]

HENRY M. RICE,
JOSEPH R. WHITING,
Commissioners,

[Chiefs' Names Omitted In Printing]

We hereby certify that the foregoing instrument was fully interpreted and explained to the Indians whose names are subscribed and affixed thereto, and that we were present and witnessed the signatures of each.

P. H. BEAULIEU,
Interpreter to the Commission.

E. H. BEAULIEU,
ALLEN R. JOURDAN,
Interpreters.

MILLE LAC, MINN., *October 5, 1880,*

We hereby certify that we were present and witnessed the signatures of the above-named Indians to the foregoing instrument.

B. P. SHULER,
United States Indian Agent.
W. C. HUBBELL,
Secretary to Commission.

H. H. BEAULIEU.
G. A. MORRISON.
THEO. H. BEAULIEU.

MILLE LAC, *October* 5, 1889.

EXECUTIVE MANSION, *March* 4, 1890.

This instrument in writing negotiated with the Mille Lac band of Chippewa Indians in the State of Minnesota, under and in pursuance of the act of Congress of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," wherein it is also provided "That all agreements, therefor shall be approved by the President of the United States before taking effect," is hereby approved.

BENJ. HARRISON.

* * *

FIRST COUNCIL WITH MILLE LAC INDIANS.

MILLE LAC RESERVATION, *October* 2, 1889.

This council was held in the woods on the bank of the Lake.

Major SHULER. My friends, I am glad to meet you on this occasion. You have been assembled to meet the honorable commissioners who have been appointed to visit you by the President of the United States.

These commissioners have been sent to make a treaty with you. What they may have to say will be of great interest to you, and I wish you to pay strict attention so that you may fully understand it all. They come as your friends, and I am sure that you will discover that what they say deeply concerns your future welfare. I wish you to fully comprehend what is said, that you may make no mistake in your negotiations with these honorable commissioners. I now have the pleasure of introducing to you Mr. Rice, whom many of you know, and Hon. Dr.

Whiting, who comes to you as one of the commissioners from Wisconsin.

Mr. RICE. The council will now come to order.

Commissioner WHITING. My friends, I have heard much of you. I know of the troubles you have had. I know, too, that in years gone by you were friendly and rendered important service to your Great Father's Government. Your services, your faithfulness to your Great Father in times when the white people were in peril, have not been forgotten. He finds that your existence as a people has become imperiled, owing to the great change of circumstances which surround you. In view of this fact, and fearing that your condition would become worse until it would be unbearable to you he sent your old-time friend here to tell you that what was best for you to do.

Bad men have circulated bad stories about you, and if we had believed them all I should not have dared to come among you lest you should lift the hair off my head; but I am glad to find you a friendly people, and I already feel as though I was among friends whom I had known a long time.

What I first came to the borders of your reservation I asked you to meet your friends here at this place. You thought it strange perhaps that we were not willing to come to your place to meet you. The health of our chairman did not admit of his making that exposure. So as I valued your future happiness, I believed it was our duty to beg you to come where this friend of yours, still with full vigor to defend your rights, could meet you in safety of himself, and I thank you for coming here. So as the

Great Father regards you as his children, and as for the time a partial representative of the Government, I promise to tender you that kindness while you are here that a father always tenders his children.

Mr. RICE. My old friends, we have not come here for the purpose of driving a bargain with you. Our object is to see if we can not so arrange matters that you will know what to depend upon – not only your young men, but your women and children; not only for the present, but for the long future.

We are glad that your young men are here. We are glad to see so many of you. We are anxious that one and all should understand the object of our visit, for its importance to you now and hereafter is great.

The message that we bring will be read to you by my friend and colleague. At the first reading you may not understand it all, but we are instructed by the President to patiently explain it to you afterwards. Not only that, but to answer any questions asked by you in regard to your affairs, and also to put down on paper everything that is said.

Commissioner Whiting then read the act of Congress under which the commission proceeded, it being interpreted phrase by phrase to the Indians, after which he continued:

This paper is tiresome to you to listen to all at once. You are not expected to understand all of its provisions by the reading of it, but you will find that the commission will listen to your questions, and answer all of them to

your satisfaction, explaining everything in the bill that you may not understand.

Mr. RICE. By the reading of the act you saw that the President was authorized to appoint three commissioners.

Mr. Rice then read Bishop Marty's letter, and continued:

I shall detain you but a few moments now before dinner. I wish to refer to an old matter that has given you a great deal of trouble. That is the treaty made at Washington some twenty-five years ago. I was there, and know all about it. It was a wise treaty, and if it had been properly carried out you would have escaped all the trouble that has befallen you. Many who cared more for themselves then they did for you thought they had found a hole in it, and that they would take advantage of that and deprive you of your rights. They knew that the government was engaged in a great war which occupied all its time. They thought that under the circumstances they would be able to drive you from this reservation.

You have some friends who worked for you continually. They had all they could possibly do to preserve your rights, and to see that in the end justice to you should be done. Among those friends was Joseph Robert, and I am very sorry that the Master of Life should have seen fit to have taken him away, because it would have been a pleasure to him to have been here and met us all to-day.

The time has come when I am able to tell you that all he said, all I have said to you, all the chiefs told you who

were there and made the treaty is correct; that the understanding of the chiefs as to the treaty was right. Here is the acknowledgment of the Government that you were right, that "you have not forfeited your right to occupy the reservation."

We make this explanation now so you may not be like birds in a tree at whom a gun is being pointed, but that you may act without compulsion and without fear of interference with your rights. We wish in our negotiations to have all act – every one of you – as independent men without fear, and see if we can not come to a conclusion that will make your road broad and straight in the future. Some mistakes have been made during this long period since the treaty was made. We wish to see if we can not correct them, so that no one who has acted honestly or fairly should be disturbed or should be wronged. We want to correct all mistakes that have been made so far as we can.

It is now nearly dinner-time, and if it suits you we will adjourn until 2 o'clock. I wish you would then meet us promptly, for we have a great deal to talk about. We hope that every young man will be present, for the old will soon be passing away and they will have to take their places. We want you all present so you will know what is done.

Adjourned.

AFTERNOON SESSION.

Mr. RICE. In order to come to an understanding, that you may know all that has been done I will try to make

an explanation of matters not perhaps relating to the treaty itself.

Some of the old men will understand what I say, but it is something that the young men have probably never heard of. It seemed very hard to ask the Red Lake Indians to consolidate their interests with yours, but I knew and some others knew the early history of your tribe for a great many years back, and some of your old men will probably remember something of what I am about to say.

When I came into this country all of your young men, all of your able-bodied men, were warriors, and you were engaged in war with the Sioux, not only to hold what you had, but to gain more, you having taken all this country from them.

The Red Lake Indians did not take that country from the Sioux alone; you all helped. You were all at war with the powerful tribe, and you all helped to take the Red Lake reservation, with the rest of the territory. The greatest battle, the hardest-fought battle that ever took place between you and your enemies, took place at this place. The Sioux occupied this country, and the heaviest battle ever fought between Indians took place here, where you drove them out of their mud houses. From that time there were other battles, some large and some small, and you pushed the Sioux west to the prairies. Afterward you owned the country, and as you had taken it in common, it belonged to you in common.

In 1825, sixty-four years ago, you made a treaty with Generals Cass and Clark at Prairie do Chien, which established the southern boundary between you and the Sioux, the Potawatomies and the Menomonies and other

Indians. The great Council, in looking over your history for a great many years back, came to the conclusion that the holding of the land should remain as at first, and that you should reap the benefit of your united efforts. As the Red Lake Indians are few in number, less than 1,200 on their immense reservation, we went there first and patiently explained to them the situation just exactly how you all came by this land, and that the Great Father thought that the land should be considered as held in common. After several days; counciling the Red Lake Indians agreed to put all they have in with yours, and that you should hereafter all share alike. We are glad to say that they did it very cheerfully and generously. We held out no inducements or promises. We made no threats. From there we went to White Earth. We were there some days, and you all know the result. They all signed and agreed to it except two of the mixed-bloods, and there may have been one Indian who did not sign. We saw the Gull Lake Indians, and every one of them signed. We then went to Leech Lake, and there as you have probably heard, we had some trouble. We would have had no trouble and there would not have been a word of opposition there or at White Earth in the beginning, had it not been for some old matters which were unsettled and the damages by the reservoirs. But when we explained to them that this was proposition coming from the Great Council and the President, and not like an ordinary treaty – that they had lost no rights under the old treaties, and that we would do our best to have those old matters settled equitably as soon as possible, they yielded and signed.

The acceptance of this act will not affect these old matters at all, or weaken your chances of obtaining hereafter your dues, but, on the contrary, leave you in a stronger position then before.

Mr. Rice then made an elaborate explanation of the provisions of the act of Congress governing the commission, and also referred to the provisions of what is known as the Dawes bill, and continued:

We have not come here to scold or to coax, but to explain to you as men the true situation, and then leave to you the decision as to what you will do. We have been out nearly four months, and our labor is not yet ended, having still a great deal to do, but I assure you we shall have the patience to listen to you as long as there is any necessity for it, or any business to be done. So do not be afraid of exhausting our patience. If you have anything to say this afternoon we will listen. If not, you can get by yourselves and talk the matter over and then we will meet again. That is all.

SHOB-AUSH-KUNG. As I am not prepared to make a speech, I will not rise to address the commission. You see before you the friends you wished to meet here. They will answer nothing to-day. We have listened to you very attentively, and wish to profit by the words we have heard. One of the pleasantest things you have uttered this afternoon is that we can not exhaust your patience. We hope not. We will be very reasonable. We wish you to have all the patience in the world, and we will also be patient, until we have arrived at an understanding. To-morrow, maybe before noon, maybe in the afternoon, whenever we have come to a conclusion as to what we

should say to you – I hope you will have patience and wait until you receive our word that we are ready to meet you again.

Mr. RICE. Take your time. If you come to a hasty conclusion you may regret it, but if you take time to examine this well you will in the end be better satisfied.

Commissioner WHITING. You have paid so good attention that we will try to get you a good supper to-night. You may come down after council and get it.

Adjourned.

SECOND COUNCIL WITH MILLE LAC INDIANS.

OCTOBER 3, 1889.

Mr. RICE. We meet at your request, ready to hear anything you may say.

WAH-WE-YAY-CUM-IG. I wish to say a few words to the commission. It pleases me very much personally that you have condescended to come and meet me here on what used to be called my father's reservation. We wish to state that the remarks made yesterday and matters laid before us were not distinctly understood by all the young men of this place. We wish you should go over the same ground again, so that we will understand more fully. That is all.

MONZ-O-MAUN-AY. When we are so far apart it is impossible to understand each other. It is our sincere wish that you may be pleased to have patience with us, show us leniency on account of our ignorance. We have some questions to ask and hope you may have patience

with us. Please take one point at a time, one section, as it were, and explain it fully and then take another, and so by degrees; there won't be so much confusion in our minds and our young men will understand more readily. When we have all thoroughly understood the matter of these negotiations, then we with one accord will speak our minds. That is all.

Mr. Rice then repeated at length the explanation of the provisions of the act of Congress made the day before.

MONZ-O-MAUN-AY. I am happy to say that we think this understanding is perfect. We think these your men understand all you have said. You will hear from the chiefs; you will hear from the braves, and from the young men. We will gather this afternoon. We will discuss the matter very thoroughly. There will be three assemblies this afternoon. You will hear from us after we have discussed this matter among ourselves.

Adjourned.

THIRD COUNCIL WITH MILLE LAC INDIANS.

OCTOBER 4, 1889.

Mr. RICE. Council will come to order. We are ready to listen.

WAH-WE-WAY-CUM-IG. To-day will be devoted to questions and to-morrow will be the time for action. This is proper not only on our own account but on account of the commissioners.

SHOB-AUSH-KUNG. Yesterday you heard this young man who has just spoken, speak. You have heard again an expression of feeling by him. You see before you those who have been able to respond to your call. We speak to you, our old friend, who is so well known among the Indians as their old friend, to tell you that this is all that have come in response to the call of the commission. Since you have issued your call and since we have seen you, the parties who are sitting here before us, we were as two distinct parties, you were one and we were another party, and we did not come to an understanding very readily about a place of meeting. You can judge by the weather. It rained, it blowed so that it was impossible for us to come together. The weather was not propitious. But it appears that, seeing you are sitting here in the name of the Great Father to meet these Indians, we see by looking at the firmament and the clouds, that the latter have disappeared and that Providence is favoring us, by the pleasant weather for this meeting. I can not give vent to my honest feeling. I can not give you an expression of my own feeling, but you shall hear an expression of the feeling of the young men, from the old men and from myself.

We can not possibly get through the business to-day that we have on hand; it is impossible. They have to state some things to you to show their wants, their condition, etc. Whatever is said will be said in the name of the whole tribe here; taking the ideas of the whole tribe. I will call on the Master of Life to show you the good intentions we have, that you may have patience with us and listen, and help us to understand exactly what we wish to know.

In the first place [removing his hat] the weather is very nice, and can not spoil any paper spread before you. We wish to see the maps, if you have any, to show us the size of our reservation, so when we call upon you to show us the extent of our reservation it will be witnessed, not only by the weak eyes of mortal man but by One who sees all things from on high. [To the Indians:] Is that your idea, my friends?

The map was produced.

MONZ-O-MAUN-AY. I wish to speak to the Indians and also to the commission. I do not wish to insult any of our visitors, [referring to white men who were present in council], but I wish to speak very plainly. There is a business of the utmost importance to be discussed in open council, and I call upon the young men of the reservation to listen very attentively to all that is said in this discussion. It pleases the people of the reservation very much to have met you, to have met you heretofore and to meet you again and look at your faces and the expression of your faces. You see how nice the day is. Such a nice day as this ought to be a special day, as an indication of the expression made by the Mille Lac Indians that they were not in any way antagonistic to the propositions made to them by the commission, and it should be made manifest by our talk that the propositions are pleasing to them. We understand that you have been appointed by the President of the United States to lay before us all facts and matters pertaining to this act and all information desired by us on any point pertaining to our welfare. That is all I have to say.

Mr. RICE. Here is the map containing all the reservations, and which you may now examine. We want you all to see it so you will have no questions to ask hereafter.

The Indians gathered around the table, and Mr. Rice continued:

You can not all see it at once, so a few had better come at a time. We will give you all an opportunity to see it. There [indicating] is the Mille Lacs Reservation, containing three islands in the southern part of the lake – three in all – although only two are shown on this map. This is the White Earth Reservation. These four townships, what is marked here, they have given up. This is your reservation north of Leech Lake. That is Leech Lake Reservation. This is the Winnebagoshish Reservation. Cass Lake is here. Here is one of the reservations of the Bois Forts. There is another – Deer Creek. Here is the Fond du Lac, and here is Grand Portage.

Here is the Red Lake Reservation, and here is the piece that we gave them from which to take their allotments.

MUH-ENG-AUNCE. It is said that this is wrong; that this reservation ought to extend to this creek up here [indicating on map].

Mr. RICE. This is the reservation according to the treaty.

MONZ-O-MAUN-AY. Your present interpreter and his brother over there, Clement Beaulieu, were there, and that is the way it was explained to this man's father, and his father, Rice-maker, that the reservation extended clear up to the mouth of the creek.

Mr. RICE. The treaty did not explain it by creeks or lakes, but by the Government surveys. And it is very likely there might have been some misunderstanding at the time, but it is now too late to correct it, as this land has been sold to the whites.

MONZ-O-MAUN-AY. There is the big island and two others; there are four islands in all in our reservation. You (Paul H. Beaulieu) interpreted it at the time that it went to such a river and such a lake. We understood that the line extended up 3 miles further on the west side of the lake than it does on the map. One of the treaties said that so much of the land should be broken, and to show that that was so, and that the Government so understood it, it can be shown that the land was plowed up 3 miles north of the present reservation. And that it was the Indians' money which was so expended on land which the whites have the benefit of; and we have lost the money and the land. Where does the mistake come from?

Mr. RICE. Well, we will have to hunt it up. We cannot correct it here.

MONZ-O-MAUN-AY. It was agreed at that time that my chiefs here should take the measurement of the land themselves, in accordance with their wishes, and not to meddle with the regular actual survey.

Mr. RICE. We see now that your money was taken to plow land that is outside of the reservation, and accrued to the benefit of the white men.

SHOB-AUSH-KUNG. I think I am the only man living who was present at the time of the making of the treaty. I saw

you (Mr. Rice) there then; but on the Indian side I am the only man alive.

This interpreter was there then. The river should be the line of our reservation. I am not sure that you (Paul H. Beaulieu) are the person who interpreted.

PAUL H. BEAULIEU. I was certainly there, and I think I did all the interpreting.

SHOB-AUSH-KUNG. There is a big point there, which goes right through that island south. That was to be our land; that is the way we understood it.

(NOTE. – Town 44, range 28, section 13, lots 1 and 2, now the property of Mr. Dinwidde, upon which the land alluded to was cleared and plowed at the expense of the Indians.)

Right from the mouth of the river, in a direct line through the lake, where old Jim Whitehead's trading-post was, there is a gravelly shore; that is the place where our reservation started from towards the interior.

Mr. RICE. We will take this all down. There was a great mistake made, and we will try to correct it in some way; but the land has been sold to the whites and can not be taken back, although there may be some way in which we can arrange it. We have it all on paper.

SHOB-AUSH-KUNG. It is said in the negotiations that the water was not counted in as land at all, but it was only for the purpose of stating direct where it would go to. We were told not to have anything to do with the surveyors – that they were surveying to find out how much land there was there in accordance with the surveys. They said: "Whenever the surveys are made, you let me know

and I will send a man." This is what was told me at the Department: "He will stand on the edge of the shore and then he will go back to where there is a limit of 6 miles." That is the way we understood it – that it would be 6 miles limit from here to that place. That is what we were given to understand all the time. We were told that we would accompany the surveyor, whoever would survey that land; that when he had gone a mile he would make a mark and we would make a mark of our own, also, and when we had gotten 6 miles the surveyor would make his mark and we would make ours also, so that in future we could not mistake the size of our reservation. We have seen all these things, and I am alive to state all these facts. I am glad to know that I am not feeling my way, but stating what I heard, because I saw all these matters and heard what was told at that time.

Mr. RICE. We are very glad to hear all that you have said, and you will all hear from it.

As this is a navigable lake, you have the right to use it the same as the whites. It is in common; they have the right to go to the south side, and you have the right to go to the north side – that is, over the water.

This matter of the mistake gives you a strong claim. Did the government break any land on what is now called your reservation?

SHOB-AUSH-KUNG. That piece upon the farm of Mr. Dinwidde is the only piece ever broken by the government. There never was a single furrow broken at any place save that place there; hence we were led to believe that that was the limit of our reservation where that land

was broken. It was under the agency of Major Harriman that that land was broken for the Indians.

MUH-ENG-AUNCE (to the Indians). You shall hear what I have to say. You wished me to say a few words in behalf of the tribe. I wish to speak on other matters, not on this matter that has been discussed.

Our friend, the White Rice, I have understood everything you have put before us for consideration. You say that whoever wishes to go to White Earth shall be allowed to do so. We make known to you that as the Government speaks so kindly, and as you have uttered the words of the law, stating that an Indian can take his allotment on the reservation where he resides, we make known to you that we wish to take our allotments on this reservation, and not to be removed to White Earth.

I am now going to make known to you the wishes of the people and the wishes of the young men, but these men here [indicating the chiefs] will promulgate the ideas of all the young men whenever they have made up their minds to come and state what they wish or what they are going to do.

To-day will be devoted to asking questions. The young men hear this; that you wish to purchase from them the farming land and also the pinery. We wish our friend, the White Rice, to state just exactly the facts. They point to me and tell me to use the very best Chippewa that I know in stating this important question.

Also, there is a lot of children here. Other children will be born to us. How will it be about those who are

born hereafter? That is what the young men wish to know, and the braves also.

Mr. RICE. You are entitled to select for your allotments the lands called farming lands, all that can be used as such; we do not ask you to dispose of a foot of that. And there will be nothing done with the lands until you have your allotments.

You will not only have your farming lands, hay lands, but your hard-wood lands, and sugar bush. You are not compelled, where there are two or three of you, to take land in one place. One can take for the farm, another can take the 40 acres in sugar bush, and another can take meadow lands.

As to the children not born, it will be a good many years before they will be able to cultivate any land. When that time comes it is hoped that you will be able to buy more land, as white men do. You do not know what you are getting. If a white man has a dozen children he only gets 160 acres, but every one of your children gets 40 acres, while the white children get none. There is more land than you will cultivate in a great many years. Some questions will arise which may perplex you and give you some uneasiness, but I want to tell you that you must not attempt to settle any of those things yourselves. They will all be settled in Washington. If you attempt it you will fail, and you may make matters worse.

There is nothing now to prevent your taking allotments that are not claimed by others or occupied. When this matter shall be gone through with at Washington, surveyors will be employed here to show you the lines, so everything will be not only convenient for you, but

correct. Now, you understand that none but the pine is to be put into market, and it will take some time to do that. If I have answered all your questions satisfactorily, we are ready for more.

MUH-ENG-AUNCE. We want to know at what time we will receive from the Government our conditional patent.

Mr. RICE. You will receive it just as soon as it can be made out after the allotments are taken. That you may understand it. I will tell you that we are appointed to make the allotments, and when we have done it that is the end of it.

MUH-ENG-AUNCE. We wish to know of the commission if the Indians are going to have a saw-mill here, and also a man to show us how to farm, and a blacksmith and school-masters, and a man as overseer who can write; is it possible to get them?

Mr. RICE. We shall recommend all these things, and expect that you will have them. We hope you are going to improve and advance, and how can you do it without these things? It is not the intention of the Government to pull out your teeth and then tell you to eat tough meat. If it had wanted to deceive you through us, only three or four of you would have been called together, and then, perhaps, you could not prove what was said; but we wanted you all here. We are ready for more questions.

MONZ-O-MAUN-AY. We wish the commission would adjourn for dinner. But we wish to talk to our old friend, the doctor. Long before your arrival, all over the country, the story was that you were the most successful hunter in

this section. We would like to see some of his progress in hunting. Supposing we invite him to hunt this afternoon.

Commissioner WHITING. I have sent a Government bullet after a moose.

AFTERNOON SESSION.

Mr. RICE. I wish to say that there is a law of Congress authorizing missionaries to use a piece of land upon every reservation. It is not given to them, but they have the use of it. Congress has also appropriated money for the purpose of clothing and educating such of your children as attend the schools of such missionaries. We understand there is a prospect of a school being started among you this fall. We hope so, because it will give you an opportunity to send your children to school and be cared for, and you will have a white man among you whom you can consult.

Our young men are waiting to take the roll. It will require a long time to compile an accurate one, and we wish to have it completed as soon as possible. They are waiting down at the house. There is to be a copy made to be left with you. It will be necessary for the chiefs and some of your headmen of each band to go and give in the names, as we do not want any one left out. To give you as good an opportunity as possible, they will work to-night.

We will now allow you to continue your remarks and to ask questions if you wish.

WAY-WE-YAY-CUM-IG. The persons who were entrusted with the duty of making known to the commission the

wants of the people of this reservation, and anything else suggested, will now begin.

MAH-ENG-AUNCE. The chiefs and those back of them all belong to this organization; a committee, as it were, of these Indians. The words I shall say are the ideas of all those before you.

How will it be in the future relative to the building of the dams on the river, which will cause a loss to us, our rice – how is that going to be? And a great many whites are making themselves masters of the meadows inside our reservation. They have cut hay on our reservation, and how is that to be settled? Last winter there was a great deal of hay stolen from the Indians of this reservation by the whites; how is that to be adjudicated? The chiefs here and the old men have always made it a point to tell the young men not to mind it, saying, "The time will come when you will have a settlement of this whole matter."

Inside this reservation there are a great many pines that have been cut. We should like to know what will be the final result of that? Another thing – about the wild animals. If an Indian wishes to go outside of the reservation to hunt deer, will he be allowed to do so in the hunting season? One thing we wish to know for the satisfaction of the people of this reservation: There are many white people who have taken land here. What is to become of them? How is the Government to dispose of them? Are they going to go away soon, and is this question forever settled so far as the Indian is concerned? Are we going to meet with any more difficulties relative to our land and our possessions here, and our rights?

When the whites come amongst us, the first thing they do is to take a mouthful here and a mouthful there. We look at them; they take what belongs to us; we don't say a word. What will be the final arrangements as to this matter?

KAY-GWAY-SO-SAY. We take all these pains so there will be no more trouble in the future. We have had trouble enough heretofore.

Mr. RICE. In regard to the dams and the drainage of your lake, those are matters that the State is looking into. The Government is giving attention to that, and you will probably hear from it soon. In regard to the cutting of hay and timber trespasses, those are matters that your agent will probably speak to you about; he has charge of these. In regard to the settlers upon your lands, that is a matter which we will tell you about hereafter; it is a matter to be settled in Washington. Some of them have papers which they have received, and they know about the position they occupy. I do not think any more will come upon your reservation, and perhaps some who are merely visiting you will leave.

There are some other cases that are different; they will be carefully looked into, and whatever is right will be done. At any rate all will be done for the best, in the interest of justice and to your satisfaction.

In regard to hunting deer, that is a matter for the Legislature of the State to determine. You can hunt deer in any event, whenever you find them during the season set apart for hunting; and whenever the white man may hunt, your young men will have the same right to do so.

If you commit any depredations upon any man's property you will be punished for it.

B.P. SHULER. I want to speak to you in regard to the hay, and cutting lumber on the reservation. Any white man who cuts hay upon your reservation without permission is liable to prosecution. His hay is subject to seizure on your reservation, and can be sold for your benefit. Any man who cuts pine on your reservation commits a trespass for which he can and will be punished.

Any timber that he has cut before notice is received of it can be seized and sold for your benefit, just the same as in the case of hay. I am a good ways from you, but if you know of any trespasses upon your reservation of any amount, if you will notify me I will try to attend to it.

MUH-ENG-AUNCE. (hands Major Shuler a piece of paper). That paper gives the name of a man who has cut hay on this reservation. The man that he hired was a cook, and that is the man that cut the hay. That ain't the man's name who cut the hay, but it is the name of a man who owns the hay and had it cut. There were twenty stacks – twenty tons – and they are still on the reservation.

B. P. SHULER. I know the man very well.

MUH-ENG-AUNCE. That is right near the post we saw on the other side, and another near Wigwam Bay. I have a complaint to enter against a man who stole my hay last winter.

B. P. SHULER. You must not interrupt the council now, but I will see you at any other time.

MUH-ENG-AUNCE. One word more. This is a question that these people don't understand, and that is why I wish to ask it. When these lands are allotted the numbers in accordance with the Government survey shall be placed opposite the Indian's name; that is his allotment and then the conditional patent is given. Is that right?

MR. RICE. It is.

MUH-ENG-AUNCE. I wish to talk relative to the mixed-bloods. We wish to know this so we can not be mistaken in our actions hereafter. The mixed-bloods residing inside of the reservation with us, in what light shall we look upon them? The mixed-bloods outside of the reservation who say, "Some of these days I am going to their reservation, and I am going to try to take land there." What is their status?

MR. RICE. The mixed-bloods residing upon your reservation and acknowledged as belonging to your tribe will be treated the same as yourselves. If there are any others who apply to be admitted for the purpose of taking land, and you object, the matter will be referred to Washington. It can not be decided without a hearing.

Now, in giving in your roll, if there are any you object to it will be noted down. So when the roll is completed a copy will be left with your head chief. We want you to be particular, as the roll is of more importance than you think. We hope and believe that the time has come when you will have something to say about your own affairs, and therefore we want you to attend to the business before you yourselves. None will be enabled to take lands with our consent unless they are enrolled.

WILLIAM HANKS. How do I stand in this respect; I have land that I bought; have I a right to any more land on the reservation?

MR. RICE. Is the land you bought outside of any reservation?

WILLIAM HANKS. Yes, sir.

MR. RICE. If you are recognized as a member of the tribe you have just the same interests here as if you had not purchased the lands. This does not prevent any of you from buying land outside if you have the means to pay for it.

WILLIAM HANKS. If I should give up my share of allotments here I have not land enough there to make up the amounts due me; could I take lands there in lieu of taking them here?

MR. RICE. If you do not take your allotments here, you can enter any land vacant under the homestead law. But you do not forfeit any rights to annuities by so doing. When the matter comes up we will see that the law is made perfectly plain, so you will all understand it. You pay nothing for the homestead, but no matter how much land you buy you still have your right to land on the reservation.

WILLIAM HANKS. That is all, and that is satisfactory.

MUH-ENG-AUNCE. The young men think that whoever has cut any timber on this reservation that the matter should be followed up. We are addressing the agent now. We wish that the agent should inquire into all these depredations. They come here and cut timber and sell it. They have done it for fifteen years past. We wish to ask

about the Snake River Indians, those who are of this reservation. We wish to know where our allotments will be made; will they be made to us anywhere on Snake River or on this reservation? Our friend, the White Rice, explained that to us. There is a man here who is actually a chief, old Buffalo's son, and another from Snake river, and they wish to know this.

MR. RICE. The Snake River Indians stand upon the same footing that you do on this reservation; they can not take their allotments anywhere except on this reservation or at White Earth. You can give up your interest in this reservation, in the land, and take homesteads elsewhere, and still be entitled to draw the same annuities that the others do. On the homestead you have to live five years and then you get a patent, but you can not sell it for five years after the patent is issued; neither can it be taken from you on execution. We are in hopes, when we get in working order, to have some one here to explain the law and everything connected with these matters. Those wishing to draw their annuities must be enrolled, and the two chiefs from Snake River will perhaps be able to act for their people. If they have come here representing their people they will be authorized to act for them. There is no question in regard to their having the same interest here that you have.

WAH-WE-YAY-CUM-IG. They roam that country because they are accustomed to it.

MUH-ENG-AUNCE.Our friend, Mr. Rice, and the other commissioners: Now we will get amongst ourselves, and see how many there are to be enrolled. To-morrow we

will give you an answer about your mission and give in our rolls. We have finished for to-day.

FOURTH COUNCIL WITH MILLE LAC INDIANS.

OCTOBER 5, 1889.

MUH-ENG-AUNCE. (addressing the Indians). My friends of Mille Lac, we are not assembled here for the purpose of just uttering words of no account. We must take courage and let us see what we can do for our benefit. Let us see if we can not arrive at a conclusion that will be beneficial to us. Our chief says we must accept what I am going to tell you. Do not let us look on this as a mockery. This is a settlement of all our past difficulties. We have suffered in the past; do not let us be children. Do not let us miss this chance. They tell us that we are going to stay here forever, and that they are going to make allotments here to us. Let us trust to them; don't let us lose faith in the words of the commissioner. The oldest friend we have is here, and our Great Father has selected him and we must listen. This is all I have to say to you, my young men. Do not be foolish, I say again; let us accept this proposition. I trust to you that you will not act in a foolish way.

If the White Rice and the other commissioner will please grant the request of the Indians of Mille Lac, it is the first we shall make of them, and we shall express our opinion of the proposition made to us. The chiefs here are very anxious that this arrangement should come to a close to-day.

Will the Mille Lac Indians be in receipt of cattle and agricultural implements after the land is allotted to them

in severally, or shall the lands be allotted without anything to work with?

MONZ-O-MAUN-AY. It is the wish of the Indians that the Commission should answer what has just been spoken.

MR. RICE. It is expected that the allotments will be made first, so that it will be known where the improvements can be made for such as wish to make homes for themselves. Of the $90,000 that the Great Father loans to you, you can use a portion in making improvements if you wish. You know very well that you can have no money of your own until your pine is sold. It may be that the Government will see fit during the winter to make an advance of money to enable such of you as wish to farm to furnish you with cattle and implements, but it is not in the treaty and we do not promise it. We only say that it may be. It is not in these negotiations that you should have a mill this winter, but it may be that the Government will send you one this fall or early in the winter, that you may be prepared in the spring to build houses and make a start in life. It may be that a man will be sent here under your agent to consult with you; a man you can talk to in regard to your business, so you will not be at a loss at any time. But we wish you to distinctly understand that these things are not in the paper, and if they do not come about, you must not blame any one. The Government does not wish you to become any poorer than you are now: you are poor enough.

The object is to enable you to better your condition. We come here as your friends. Your agent is here to see your condition. All we can say is that our words will be true and straight. We have not asked you to make any

promises: we have not asked one of you to sign this agreement, and you must not ask us to make promises. We will do our duty to the Government; we will do our duty to you. We hope that with this you will be satisfied. Words and promises are cheap, and we do not wish to use either unnecessarily. You chiefs and head men and young men, there is not one of you but feels in his heart that he is with his friends.

MUNZ-O-MAUN-AY. You, my friend, the White Rice, who have been a long time in this country and knowing to our business, you are not ignorant of the amount of money that has been taken from our annuities in the past. We ask this of you, my friend: is it likely that any time we shall use any of that money that we call the arrearage fund that is due us? You know about it, and the old trader there (Clement H. Beaulieu) knows about it.

MR. RICE. In 1854, thirty-five years ago, in a treaty at La Pointe, I first told you of this; that there was money due, and I put it in the treaty, so that when the amount was ascertained the money should be paid you. We commenced working to find the money; It was scattered in small and large amounts, and from time to time we thought we had got pretty well along, when the great war broke out and stopped everything. Your friends worked at this until I think out ten years ago, when a report was made, and they found $118,000 due you. You know a part of this belongs to the Indians of Lake Superior, the other part to you. The Commissioner of Indian Affairs said this belonged to you, that the Government owes it to you, and asked the Great Council to make the appropriation. The only reason we know of why it was not appropriated is your unsettled condition. We have explained

this to the other Mississippi Indians wherever we have been, and have promised to do all that we possibly can to have that money appropriated this coming winter. We hope it will be paid to you when you need it the most. It is not disputed that the Government owes you the money, but it has taken a long time to find it. It has been so many years that a little has dropped out here and there, so that it has taken a great while to ascertain the amount.

KAY-GWAY-DO-SAY. My friend, the White Rice, we know very well that this must be very tedious and tiresome to you – that you have had a great deal of work to do; but, nevertheless, we have a little burden for you to carry to the Great Father. We recognize the power vested in you, and we know whatever words are uttered shall be taken to the Great Father. We are depending very largely on rice-fields for our subsistence. A dam has been built, ruining the rice-fields on our reservation. The dam overflows the rice and ruins our crop. It is over thirty years since that dam was constructed and our rice-fields year by year are destroyed. I have also heard two lumbermen utter these words: "We have come here for the purpose of cutting timber on the Indian reservation." I told them that I did not think they would be able to get any pine, because the land was occupied by the Indians. But still this man went to work and did cut lumber on the reservation. Now, it is very surprising to us how such a thing could have happened. The man told us positively that they had received a patent for that land. We wish to know who opened this reservation so that those patents could be good for pine lands. There is not an Indian of Mille Lac but what knows that what I am now uttering is the truth. We wish you to call that to the notice of our Great

Father and see who originated that and by what authority it was opened.

MR. RICE. We will send your words to Washington about those matters and call special attention to them.

MUH-ENG-AUNCE. We have heard a great deal about the money to be paid us on account of the damage. What is the status of the Indians relative to that, the reservoir damages? In the past the Government has purchased goods for us cheaper than we could. It is our request that you should inform the Government that we would like to have them purchase goods for us hereafter. We wish to state that we have been rather pressed about this matter; we don't think we have had time enough for full discussion. We will now retire and afterwards report.

MR. RICE. A commission was sent soon after the first work on the reservoirs was done, but its report was not satisfactory to any one, as it did not allow enough. A few years afterward, Captain Blakely, Governor Marshall, and Rev. Mr. Giltillan were appointed a commission to ascertain the damages. They made a thorough examination and report. It was a very fair one, which was that so much money should be paid to you every year. Before the Government had time to consider that, the Northwest Commission was sent out, and they agreed with the Indians that $150,000 should be paid for the damages, $100,000 to go to the Pillagers and $50,000 to go to you.

The object of the Government and our intention is to settle up all these matters as rapidly as we can, so you can start out anew. It is the best that everything should be settled so that none of us will have to look behind hereafter. We know that it is right that this should be done, and

we know it is what you desire. None of us can go ahead very fast when there is something pulling us back all the time.

AFTERNOON SESSION.

Commissioner WHITING. Now, my friends, if you are ready, we will declare this council open to hear anything further from you.

WAH-WE-YAY-CUM-IG. IT IS ABOUT TIME NOW FOR THE CHIEFS, IF THEY DESIRE TO SAY ANYTHING, TO PROCEED.

MUH-ENG-AUNCE.Our friends have again opened the council for us to proceed. We wish to ask, after the pine has been cut off the pine lands, could we not have allotments made from where the pine is taken? I have one question now that I wish to address direct to our agent, relative to the annuities. The last annuities that the late agent paid to us – and I wish also to refer to the other agent who was here before the last agent. What shall become of that money that is due those persons who did not receive annuities at that time? There are two agents back that the money has been due from, to a portion of our bands. What is to become of that money? I know positively two of my own band who have not received annuities for that length of time, and there are others of the chiefs who say that some of their bands have received no annuities. They think that annuity is still due them. We wish first to hear from Mr. Rice and then from the agent.

MR. RICE. The land goes with the pine. The white man who buys the pine takes his own time to cut it, but he

pays for the pine and the land together. Every tree that is burned after the sale is his loss; every tree burned before the sale is your loss. If you only sold the pine it would bring you very little money, or you would have to wait a long time for it. By selling it together you get much more, and you then don't care when the white man cuts it. If you sold the pine without the land, the land would be taxed and would soon eat itself up, but as soon as the sale takes place the purchaser has to pay all the taxes on the land and on the pine.

B. P. SHULER. It is said there are a good many annuities due to the Mississippi Chippewa Indians. I am unable to say how much. I have been so busy since I came into the office that I have not had time to hunt up the papers. Under the law every agent when he goes out of office must turn that money back into the Treasury of the United States. Any agent who has not done that will be held responsible – he or his bondsmen. As soon as I get time I am going to look that money up, and if I can't find any record of it in the office at White Earth, I will write to the Department at Washington and get a statement of what is due to the Indians here. I have been informed by the agent whose term has just expired that there is $2,002 due these Indians here that has been turned back into the Treasury.

SHOB-AUSH-KUNG. You see that I am pretty well advanced in age, and so are you. I understand the words you bring to us, and I understand they are words of wisdom and words of authority. I understand everything you have said. What pleases me the most is to hear what you are ready to do for these Indians, what you are going to give the Mille Lac Indians, my fellow Indians who

reside on this reservation. My friends, I do not wish to shove you away; I wish you to understand that the words you have brought are in my heart, and I accept what you have told me. Although I understand you thoroughly, I want you to answer me this question: Where do you take these words from; who sent you here to utter the words you have spoken? Will you please answer me the last question?

MR. RICE. We came direct from the Great Father; from no one else.

SHOB-AUSH-KUNG. The last question you have answered rivets the friendship and rivets the words you have put into our hearts; they are there to stay. You have come from high authority. Whatever you say are the words of the Great Father, and express the wishes of the Government. You have acknowledged in the name of the Government that it owes these Indians, and have made the explanation. The Government has borrowed that money from us and is keeping it. (To the Indians.) Is that the way you understand it, my friends? (The Indians answer "yes.") We do no not wish to play hide and seek; we wish to come right straight forward and express our opinion. We don't deny that the Great Father has money. Muh-eng-aunce and I went into the Treasury of the Great Father and saw the piles of money that the Government has.

My friend, Mr. Rice, we know you are old; we know that you take great interest in us; we know if you undertake to find that money you will discover what is due us and get it.

My friend, I am always fearful, as I am getting to be an old man, and I am afraid that if you had not come here and taken an interest in our behalf we never would have seen that money. There is nothing we can say that is new under the sun. It may happen that that money due us is melted into one solid mass and can not be obtained, but before it is melted into a solid mass try to get for us the amount that is due us. [Shouts from the Indians.] Not for myself, my friends; you see how old I am. A man of my age, the past has proven, can not ways live. I may pass away without being benefited by that money, but I speak for those you see here; I speak for the women and children whose money it is, and I hope they will reap the benefits of it. My friends, I want to shake hands with you once more (shaking hands with the commissioners). I have referred to my age. I raise my hand to the Master of Life that he may witness my good intention, and I call upon you to have pity on my words and see that they are verified.

MR. RICE. If our lives are spared we will do all that we can to benefit you, and we hope in the end the result will prove perfectly satisfactory.

MUH-ENG-AUNCE. Those who are inside the reservation – the people – wish to know positively that the whites will be removed immediately; that is what we wish.

MR. RICE. Your words are taken down. We can not answer that question, as it is a matter to be referred to Washington, and is for the Government to decide. There is only one thing to be done; and that is for you to keep quiet and disturb no one. Wait until you hear from your Great Father. If there is anything wrong he will correct it;

he will not permit you to do so. The law has come to stay, and when it is appealed to its decisions will be made in the interests of justice without regard to the preferences of the Indian, the white man, or the black man, the rich or the poor. Any rash act might destroy all that has been accomplished.

KAY-GWAY-DO-SAY (addressing the Indians). Do not keep the Commission waiting. Now is the time to decide about signing. If any of the chiefs are opposed, let it be known immediately.

NAY-ABE-ABE. The men you see seated here understand all you have told them. We know the Great Father is going to fulfill all that has been said here. We wish to refer to our Great Father's men who have abused us a long time. We understand it will be left to our Great Father to fix all the difficulties that surround us. The people here are very much pleased that that is to be the case.

MR. RICE. Whenever you are ready to sign you may signify it.

SHOB-AUSH-KUNG. So far as I can judge, every man accepts this proposition – those who will be on the roll. That is the way I understand it now. I do not talk at random. I inquired into their feelings, and they said, "We accept this, and accept that;" and in so accepting, they accept it all. That is what I come to tell you.

Wah-we-yay-cum-ig then addressed the Indians.

MUH-ENG-AUNCE. (after addressing the Indians). My friend, the time has arrived when we must ask you something. This is another great consequence. This young man

[Way-we-yay-cum-ig] has to-day proclaimed his rights as the head chief of this tribe. He has said that he wished to accept of the proposition. He wished to call the honorable commissioners to the test, and that the three commissioners should all declare to the Master of Life that they will solemnly carry out what you have promulgated to them.

SHOB-AUSH-KUNG. You know very well that the Indians do not wish to do anything that may hurt the feelings of the honorable commissioners or mar the peace and friendship that exists between us. That the Mille Lac Indians are well behaved, that they are doing their best to behave well, I have noticed for a long time, and it is actually so. You know very well that at the time the country was in difficulty and there was an outbreak what the attitude of the Mille Lac Indians was. They offered their services to the Government of the Great Father. The promises they made then, and the loyalty they showed, they still preserve. They covet the friendship of the whites and the protection of the Great Father.

It now seems as if this reservation was shaking all the time, on account of the excitement and conflicting interests. We wish you to quell that shaking, and we depend upon you to do it. We wish to remain here, quiet and in peace, and will do nothing wrong. All that we will look for hereafter will be to see the face of the White Rice among us to come and make the allotments and to do what he says. There is all to be gained by remaining quiet, and we promise to do it. That is what I promised them to tell you. Whenever a man comes here clandestinely, let him come from where he may, to make trouble, it will make no difference, we will give him to understand that we want none of his advice. The words that the

White Rice put in our ears are still ringing, and we will tell that man to retire in quiet. Many will be the influences which will tell us that nothing of this will be fulfilled. "Do not believe anything of it." Many of those words will we hear. We have heard the words, and we will depend upon them. They say they wish to have their allotments made here, and made solid under their seats, solider and solider every move of their bodies; that is what we want. The sun is getting low; we are waiting for each other on each side. What shall we do? It will not do to wait until night; we must complete this arrangement.

KAY-GWAY-DO-SAY. I wish to say a few words to our friend, the White Rice. The Mille Lac Indians understood – they say that you said at Sandy Lake that you would see the Mille Lac Indians here only for a moment, and that if we would not listen you would throw us aside. But we have heard from your own month, from the Commission, and our hearts are settled on that point, and that you intend our good; that we are going to have our allotments on our old reservation where we have resided. Our head chief has accepted the proposition. He has studied this matter thoroughly. I follow in his footsteps. I think this is for the benefit of our children and for their happiness.

WAH-WE-YAY-CUM-IG. The honorable commissioners will please put down their names before we sign. As soon as your signatures are written we will sign.

The commissioners signed their names.

WAH-WE-YAY-CUM-IG. Let us raise our hands as a token of sincere friendship

The commissioners and Wah-we-yay-cum-ig stood up and raised their hands while the Indians shouted "Ho!"

Wah-we-yay-cum-ig then signed the agreement, followed by the other chiefs, headmen, braves, and young men, Mouz-o-maun-ay saying that he wanted "to hold the rudder;" that is, to sign last of the chiefs, and continued:

I think you have the signatures of all the chiefs. I touch the pen in accordance with this act, and I hope the Great Father will fulfill the promises made through his commissioners. We wish to reserve for ourselves some pine that will enable us to make houses.

Commissioner WHITING. That has been said and we have it down.

MONZ-O-MAUN-AY (touching the pen). And I do not want to be removed from here.

KAY-GWAY-DO-SAY. Never while I have been living have I touched the pen for any arrangement, but I shall now do so out of respect for my chiefs who say they understand this. I do it because I receive annuities for a life-time, and I also do it on behalf of my children.

We wish to have 320 acres at a place for a settlement. I mean a place where our schools, etc., shall be.

MR. RICE. It is hoped you will have a superintendent and blacksmith, farmer, a man to run your mill, and physician, and that there will also be schools and missionaries. It is necessary that there should be a place for their accommodation. That, I suppose, is your object in wishing the land reserved, and I think it is a good idea. It

will be the same as a village is among white people, where they go to do business.

Commissioner WHITING. My friends, at this, our last meeting, it seemed to me that I ought to say some things to you that I have not had opportunity to say before. In your negotiations with the Commission during the last week you have transacted by far the most important act of your lives in these many years. We hope and believe that it is a beginning of a new life for you. In beginning this new life you will find some difficulties. When the white people first began their new life in this country there were great hardships, and they struggled manfully against their burdens for many years. But they were a hardy, persevering, patient people, and they toiled on and on amid difficulties until they have finally, as you see, become the richest and most prosperous nation on the globe.

This life of farming which you are going to enter upon, on land that you own, and will own forever, is that new life to you, and you have got to learn it with patience. You will soon learn to hold the plow, to use the hoe, to push the spade into the ground, and you will like it, I know.

I can not express to you the pleasure I have had in meeting you and finding you so kindly a people. Of course you know there is a certain class of people who want the land you have lived on. We were at one time afraid you would not come to see us, and we knew that that would be bad for you.

Your hardest time will be over in a few years. If you cultivate the land you own, you will raise one year

enough so that you can lay by in your store-houses sufficient for the next year, should there come an early frost, and you will have enough to live on until the next crop comes. If you are prosperous, as you may be, your children, the children of the young men who are now living, will be the richest people in this great State of Minnesota. You have all the land you know what to do with, and more, but the lands are of little use unless you cultivate them to produce what you want for your comfort. And money is worse than nothing if you do not spend it wisely.

And so now, as you are to take the places of citizens, and live as other citizens of the nation live, I want to exhort you to do certain things. First, when you get money, if you owe any of your brothers or any one else, any white man, anything, pay what you honestly owe. Always conduct yourselves so that you are not afraid to meet any man and look him in the face. Then I ask you to be patient with the visitors who come to live near you. If some men have settled near you upon what you think is your land, do not try to drive them away yourselves. Appeal to your Great Father, who certainly will settle such difficulties in an honest, proper way. The white man is encroached upon many times by his white brother, but he has to wait. A man can not take the law into his own hands, although he may think it is right. He must wait patiently for the law to settle it, and so you must wait. It is sometimes hard for us to wait for the law, but the white man has to do so, and you must wait too, and wait patiently, knowing the it will be made right at last.

There is one other thing that I want to speak to you about, and then I have done. There is the world over a

terrible habit among the human race of taking fire-water. It curses the white man and destroys his family and himself. It is no worse for you than it is for the white man but it will destroy both. I am getting to be a pretty old man, but all along the pathway I have traveled from boyhood I have seen my best friends that I loved dropping down, down, down, because of their habit of taking this terrible drink. The troubles that men get into, no matter what their color or where they live, the troubles they get into are largely due to the fact that they drink this burning water. You can recall, I doubt not, among yourselves that where any difficulties have arisen between you and your neighbors, many times it has come because of this terrible drink.

I want you chiefs and head men to ask your young men not to use it. The man who brings it on your reservation, or near your reservation where it can be got, is your enemy. I felt troubled by the bad store is that had been told of you. I was afraid you would not be sober when I came here, and that I could not talk to you. You can not know how glad I was when I met you and saw you and said, "These are sober men." You have seen drunken men; men who have taken so much of this burning liquid that they were men no longer. It makes the brave man, the kind-hearted brother, the loving father, it makes him as hideous as the horrid serpent that bites you. It makes him as filthy as the wolverine, that wallows in his filth. It makes men fierce as the tiger, that springs upon a man to destroy him. And above all, it destroys not only the body, but it destroys that part of the man which hereafter goes to dwell with the Great Master of Life.

So I say the only safety for man, whether he be Indian or whether he be white, the only safety is to shut his mouth against this terrible drink. Whenever it is offered to you say "no." Writ "Kah-ween" across the forehead of the boys, that each may read it from the others not to touch it. Write "Kah-ween" across the hand, so that it will not take the cup that is to carry it to the mouth. Emblazon on the trees that guide you through the forest "Kah-ween," also.

And now, my friends, I have said this to you because I want to do you all the good I can in this new prospect that is before you. So now, my last words: Live soberly, industriously, honestly, and you will succeed. We shall not all meet again. Whatever comes, I ask you to remember that I came to you with the kindest feeling and that I have tried to do my duty. If trouble or doubt comes to you, remember that you have a fast friend in the distinguished chairman of this Commission. He never failed to bring comfort to you, and while he lives he will never turn his face away from you as long as you do right. Do not take any important step without asking him if it is wise. And now, as I leave you, I shake hands with your chief and I shake hands with you all.

HR Ex. Doc. No. 247, 51st Cong., 1st Sess.
(March 6, 1890), pp. 177-79

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0279

* * *

MOSES MAY-DWAY-AY-H. There is hardly any – not enough to take any account of.

Bishop Marty continued his explanation of the act, by stating the terms of section 7 thereof regarding the creation and disposition of the fund arising from the sale of lands, and the provisions regarding the census and method of taking it.

COFFEE-MOCK-O-ZO. It is very hard to take the census now, on a weak stomach.

The Indians were promised rations by Commissioner Whiting.

Council adjourned.

THIRD COUNCIL WITH GRAND PORTAGE INDIANS,

GRAND PORTAGE, *October* 24, 1889,

The council was called to order by Commissioner Whiting, after which prayer was offered by Bishop Marty.

COFFEE-MOCK-O-ZO. We have selected a person to speak in our behalf. It is not that we fear to speak, but we thought it best. It is generally our custom to make a selection whenever any person of any importance visits us but not through any fear of expressing our own

thoughts. In reference to the act you have submitted, we have thought proper to ask a few questions before proceeding to other business if the Commission may be pleased to listen.

WAY-DWAY-AUSH. I have been selected to speak for this band of Indians, to ask a few questions. We wish to know, in relation to the allotments of land, what security the Indians will have at or the land has been allotted, in regard to any improvements made upon the land hereafter, and the power of the Indian to retain the land and the improvement. The Indian who works on his land, will he have the same right to retain it as he who does not work?

The next question is, How are we going to progress in agriculture without any means; are any means to be furnished those who wish to work their farms and make progress? We wish to know exactly the position in which he will stand – whether he will have to work on his and to guaranty it. If a person works, how shall the means be furnished?

Bishop Marty then explained again the provisions of section 7 of the act.

Coffee-mock-o-zo told the Indians present who were in favor of the propositions of the Government to rise, which they did, showing a large majority of the number present.

MAY-DWAY-AUSH. Honorable commissioners, I shall make known to you the thoughts of the people residing here on the shores of Lake Superior. We have met in council, and we have matured our judgment upon the subject matter you have laid before us, and considered it

from all points; we think we understand every point very thoroughly. After hearing what the honorable commissioners have said and explained to us – the different sections of the bill they bring – we are pleased to say that we have very carefully lodged it in our minds.

We feel very thankful for this great kindness on the part of the people of the United States towards us. We feel thankful also to Almighty God, whose name has been mentioned in connection with this. We are very thankful to the President of the United States for selecting and appointing these honorable commissioners, and that he should have thought of one whom we so much respect – that is the venerable bishop. That is what the Government has promised us. When the whites first visited our land they promised that we should have the [illegible] of those who were the apostles of Almighty God. In times past the word was spoken by the great Government you represent, "You shall not always stand as you stand now, as a pagan, knowing nothing about the words of the Gospel, but in time you shall be in a position to understand what civilization is and all its comforts." That is what was told us. The time has come when the words are being fulfilled. Can anything in the world afford more pleasure to a people who are formed like the whites than to have the same education and to be in the same position, to make their own laws? I have been a child heretofore, and the thing would have seemed preposterous, but I am happy to say that we have arrived at manhood.

We wish you to represent to the President of the United States and the American Congress that it is a great boon that has been extended to us this day. We stand here before you on the eve of being placed on an equality with

the whites, and it is a thing we have much coveted. You may represent to the President and Congress that the hatchet is buried forever, and that the civilization you extend to us we accept with open arms. Many a day and many a year have I waited for this day to appear. I have waited and waited for the day when I could stand on an equality with the white man.

The words I have spoken express the feelings of the people of Grand Portage, and we accept fully the propositions you have made to us. We accept them with such feelings that it is difficult for me to make myself clear, but nevertheless we wish the fact made manifest to your Government. [The speaker then shook hands with the commissioners.]

There are a few words more we wish to say to the commissioners. We wish to ask that you may be pleased to [illegible] in the [illegible] that the Indians of Grand Portage desire to reserve a place here to be taken as allotments by no one, but to be devoted to the establishment of schools, churches, and whatever such improvements may be made here. We wish the commission to ask for 400 acres: and the pine there is here is hardly sufficient for the use of the people on the reservation, and that we may be allowed to utilize the same for our use.

Our fathers, who negotiated with the Government the treaty made when our reservation was laid out, must have misunderstood it, because they understood that the Grand Portage Reservation should reach to the mouth of Pigeon River, and we wish that the Government of the United States would protect us from encroachment on our shores. The fishermen are ruining all our fisheries

here with pound nets, all along the shore, so that we can not get fish enough to live upon.

We wish that you would submit to the Government our claim to Isle Royale. We have never received a cent for it. And there is another thing we wish to know, and that is about the claims made by Nah-gah-nup, chief of the Fond du Lacs, in encroaching upon our lands, before we became parties to the treaty with the Chippewas of Lake Superior.

Bishop MARTY. Regarding the 400 acres, we do not know whether there are 400 acres in all along the shore here on the reservation which could be retained for all in common. That can only be ascertained when the land is surveyed. But as it is, you wish that all this land along the bay be reserved, and we will recommend to the Secretary of the Interior that it be done.

The Catholic Church can take 160 acres, according to the general law among the Indians, and I suppose that when the Bishop of Duluth comes he will take that amount of land for a Catholic church and school.

Then it is said also in our instructions that none shall take his allotment on pine lands, but that the latter shall be reserved for the use of all. So we shall also recommend to the Secretary of the Interior that these pine lands shall be reserved for the common use of the Indians of Grand Portage.

You can wait until the land is surveyed, or one can select now the land he wishes. Afterwards, when the surveyor comes and runs the lines, perhaps a corner may be cut off, but the main body of land which each selects

will remain fixed: but if the corner cut off should seem to him of more value than all the rest, he can stick to that corner and take it; that is, he can take the 40, or 80, or 160 acres in which that corner is.

In case you should all remain here, and there should not be enough land to make each a full allotment of the number of acres we have named, you will each get a few acres less, so as to make for all an equal division.

As to the mouth of Pigeon River, I thought that belonged to you. Has any one else made a claim upon any of the land this side of it?

MAY-DWAY-AUSH. Only in the treaty; but I think it was extended by Executive order to Pigeon River.

Bishop MARTY. I think there will be no difficulty about that. You need not be uneasy about that matter. If you agree among yourselves it will be all right.

As to the Isle Royale matter, we will of course bring it up. Your request will be printed and it will become known to the members of Congress. And so as to this matter of the Fond du Lac chief – we do not but our interpreter does know about it, and he will explain it to us so we can endeavor to comply with your wishes. I only say that we shall look into these matters with the same care and earnestness as if they were our own.

As to the fishing along the shore, that will be regulated by the laws of the State. There are certain rules about fishing, and those who do not comply with them can be punished. From the time you take lands you will be citizens of the United States and citizens of the State of Minnesota, so the laws will protect you.

MAY-DWAY-AUSH. We wish to submit to the honorable Commission that these people of Grand Portage are very anxious to always get a livelihood by work, and we wish to be employed in the surveys about to be made as far as we can be. And it is also important that you recommend that the surveys be made immediately, and the allotments made, so we can stand on an equality with our neighbors. While I was an Indian I had not got prepared and did not know how to go to work to become a white man. We wish to make a request of our Great Father. The time is approaching when tempests will arise. We wish to ask our Great Father to furnish us subsistence to aid us during the coming winter. This is the request of the people of the Grand Portage Reservation.

Bishop MARTY. We do not make the survey, but the General Land Office, under the Secretary of the Interior. I suppose it will not pay the surveyor to bring other men here if he can get those here to do the work, and he will prefer for his own sake to employ the Indian. And it would take him much longer if he had men unacquainted with the country. But we will recommend that the survey be made as soon as possible. We will see what we can do for you.

When the survey is made we will ask that there be pine enough reserved for your use. If there should be more it will be sold like the pine of the other Indians, for your benefit, and we are the ones to see to this matter of the allotment of land; I think we will understand each other well enough when the time comes. If you wish, I will read to you the paper which you are going to sign.

Bishop Marty then read, through the interpreter, to the Indians the agreement with those belonging to the Grand Portage Reservation.

Commissioner WHITING. I want to know how many of these young men have ever accompanied surveyors in any capacity?

Seventeen of the Indians present stood up to be counted.

JOHN MORRISON. I have been on a great many surveys, and these men are used either as chainmen or as axmen.

Bishop MARTY. Those who can write should sign their names; the chiefs first.

Coffee-MocK-o-Zo. We wish to say to the honorable commissioners that in the past the reason we are . . . ways ignorant of whatever we sign is that no copies have ever been given us. It you may be pleased to give it to us we wish a copy of what has been read to us left here, with a copy of the census rolls.

Bishop MARTY. The secretary will make a copy of the agreement for you. But you must understand that you cede this to the United States for the purpose of getting a patent for the land in severalty: otherwise he could not give you the patents.

The Indians proceeded to sign the agreement, in order of rank, after which the council adjourned.

At the afternoon session the signing was continued.

Commissioner Whiting called up Louis May-maush-kow-aush, and handing him a copy of the census roll of

the Grand Portage Indians, and a copy of the agreement of the Government with them said:

This is the paper you have all signed. You can take it and whenever you care to examine it you can do so, and it is all before you.

And now, my friends a few words before we leave you. I am sure the Great Father will have much pleasure in what we can tell him about you. As I take the map and run my finger along the north shore of this great lake, away up here in this region, where we knew rocks were thrown up around you, I expected to meet a band of ragged, half-frozen people. But when I came here I find you men; men like men everywhere; resembling the laboring men whom I meet in my own city. I say to you, as I have said to other bands, that I regard this as the most important act of your lives for many years. By this act you say you are determined to go up higher in civilization. Your Great Father hopes you will take your allotments early, and that you will make the land yield you support. It is clear to you that in a few years all means of subsistence except in the lake will be driven from you. The game in the woods will grow less and the furs will grow less also. I doubt not that you have discovered that, that the furs and the game have been growing less and less for the last ten years. Ten years hence there will be very much less than now. Your Great Father, knowing this fact, has adopted this means to try to furnish you with other means of livelihood.

After taking your allotments, as the bishop has told you, you will become citizens like all other citizens, with all the rights and privileges that any citizen has. As I look

into your faces I have no doubt you will succeed, and whatever shall come to you you may be sure this commission, which has had so pleasant a negotiation with you, will always remember you. Feeling as I do toward you, and towards the work you have done, and so full of hope as I am regarding your future, I should myself, implore the blessing of the Master of Life upon you, except that your bishop is here, whose special business it is to do that. If you follow the banner of the cross you carry now, you will be protected and preserved; and with these words I shall bid you a kindly good night.

FOURTH COUNCIL WITH GRAND PORTAGE INDIANS,

GRAND MARAIS, MINN., *October* 25, 1889,

Joseph Caribou, head chief of the Grand Portage Indians, was present at this council.

Bishop Marty made an extended explanation of the act of Congress, and the chief mentioned afterwards signed.

The commissioners promised to endeavor to obtain money to enable a number of the Grand Portage Indians to visit the White Earth Reservation, so they might determine whether they would take their allotments there.

JOSEPH CARIBOU. Why is it that I have to wait twenty-five years before I can sell my land?

The commissioners explained that this provision of the act of Congress was for the Indian's protection and benefit.

Council then adjourned.

Additional Brief For The United States, *United States v. Thomas*, S. Ct. No. 14916 (1893)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0030

CASE No. 14916.

In The Supreme Court of the United States.

OCTOBER TERM, 1893.

THE UNITED STATES,	)	
PLAINTIFF IN ERROR,	)	NO. 668.
vs.	)	
MICHAEL THOMAS.	)	

ON A CERTIFICATE OF DIVISION IN OPINION BETWEEN THE JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF WISCONSIN.

ADDITIONAL BRIEF FOR THE UNITED STATES.

The facts in this case are sufficiently stated in the opinions of Judges Gresham and Bunn in 47 Federal Rep., 488.

Two questions are involved:

1. Is the right of present use and occupancy of sections numbered 16, situated within the limits of Indian reservations in Wisconsin, in the Federal Government or in the State?

2. Regardless of the determination of the preceding question does chap. 341 of the act of 1885 (23 statutes, 385) confer upon the U.S. court jurisdiction to try an Indian for murder committed by him on a section numbered 16 in the Lac Court Oreilles Indian Reservation in Wisconsin?

The first question is much the more important. Aside from the fact that its adjudication in this case favorable to the United States would probably be conclusive, there are involved considerable monetary interests and matters which have long been in dispute between the Executive Departments of the Nation and the State.

I.

RIGHT TO THE USE AND OCCUPANCY.

These reservations are embraced in the country described in the treaty made with the Chippewas of Wisconsin and the Lake Superior region generally, October 4, 1842, and proclaimed March 28, 1843. 7 Stat., 591; 1873, Revision of Indian Treaties, 217.

Under this treaty, article 2, the Indians stipulated "for the right of hunting on the ceded territory with the *other usual privileges of occupancy*, until required to remove by the President of the United States, and that the laws of the United States should be continued in force, in respect to their trade and intercourse with the whites, until otherwise ordered by Congress."

By article 5 of the treaty it was conceded that the lands dealt with had always theretofore belonged in common to the Chippewa Indians.

They have never been removed from any of the lands embraced in these reservations. Their occupancy of these reserves has never ceased. The President did not require them to remove and no Executive order looking to their removal has ever been made.

By the subsequent treaty of September 30, 1854 (10 Stats. 1109), whereby the Chippewas ceded a large portion of their territory in Northern Wisconsin and elsewhere, provision was made for the establishment of permanent reservations for their benefit, among which was to be such a tract of land as is now comprised by the La Court Oreilles Reservation. This was to be equal in extent to three full townships, the boundaries of which should be thereafter agreed upon or fixed under the direction of the President. No reservation of the sixteenth section in any of these townships from the operation of the treaty was made, and the contract with the Indians was clearly to the effect that the townships were to be whole townships. It certainly can not be claimed by implication or otherwise that the treaty could have been in any sense conformed with by afterward constituting this permanent reservation of townships, in the center of each of which there should be a tract of land a mile square, upon which the white people could make entry, build villages and places for the sale of all kinds of merchandise, and which might plant in every part of the reservation a community hostile to the Indians and of a character necessarily prejudicial to their well-being, and from contact with which the reservation had really been formed to protect them.

When the townships forming this reservation were

* * *

Transcript Newspaper Articles

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

EXHIBIT (Counties) 005

November 25, 1887 Newspaper Article – Little Falls Transcript

The first of this week several inches of snow fell in the Mille Lacs region, and Indians who came in from there yesterday report that over 100 deer have already been killed. The venison will be brought to J. Simmons & Co. in Little Falls. If the snow remains on the ground until the close of the hunting season a large number of deer will be marketed in Little Falls.

EXHIBIT (Counties) 006

March 29, 1889 Newspaper Article – Little Falls Transcript

No Spring Shooting.

The proposed game law allowing spring shooting of geese and ducks has not passed the legislature, and it is doubtful if this feature of the law is adopted. There is much opposition in sporting circles to the allowing of spring shooting, and an active effort is being made to defeat it. It is certain, at best, that this provision of the law will not go into force in time to allow spring shooting this year. The killing of a few birds in spring destroys a large amount of sport in the fall and the hunting of the water-fowl at this season drives away most of them that are not killed, and few remain to breed. If the law against spring shooting remains in force and is observed, for a

few years the duck hunting in this locality would greatly improve.

EXHIBIT (Counties) 007

May 22, 1891 Newspaper Article – Little Falls Transcript

MILLE LACS TO WHITE EARTH.

The following is part of a letter written by Hon. H. M. Rice, chairman of the Chippewa Commission; to the Editor of the Princeton Union: I am satisfied that the interests of the settlers in your vicinity will be, as well as the welfare of the Indians, advanced by their removal to White Earth reservation, and under instructions from the office of Indian affairs, I have for some time given my best efforts to aid in securing the much desired end.

I hope your citizens will have patience, and bear in mind the strong attachment this people have for the country which for so many generations, gave homes to themselves and their forefathers – not forgetting that in 1862 when the Sioux Indians devastated much of the frontier of your state and threatened to extend, with the aid of the Chippewa under Chief Hole-in-the day, their murderous deeds to the region you now occupy, that the chiefs of the Mille Lacs bands mustered their fighting men, marched to Fort Ripley and there tendered their services for your protection. For your information I will state that up to this time nearly two hundred have been removed, and others will go from time to time as they can be cared for at White Earth. The distance for an Indian from Mille Lacs to the latter place is great, and the change from a wooded to a prairie country for this helpless

people is not easy to contemplate. I assure you that it is the desire of the Indian office to have this work progress as rapidly as humanity will permit. Those that have been removed are satisfied with the change, which will aid in eventually placing them all upon lands to be held in serveralty where they will advance in civilization, become self-supporting, and cease to be a "continual source of annoyance to the settlers."

You must be aware that violence will but retard the work.

EXHIBIT (Counties) 009

August 3, 1894 Newspaper Article – Little Falls Transcript

Kosh-ko-wa-bic in Trouble.

A special from Brainerd says: Kosh-ko-wa-bic, an Indian from Leech Lake, was sentenced to 60 days in jail Friday morning for killing deer out of season. The prisoner is one of the most experienced deer hunters in Northern Minnesota, and was captured by Game Warden Paine after a hand-to-hand struggle. Violators of the game law in this section will recieve [sic] no quarter in the future.

EXHIBIT (Counties) 010

August 10, 1894 Newspaper Article – Little Falls Transcript

Game Warden William Paine, of Brainerd, was in the city Friday enroute to St. Paul. He stated that a large number were violating the game laws, in shooting

chickens before the time and that they would be attended to at once. More deputies will be sent to Morrison county to stop the unlawful destruction of chickens and prosecute the hunters who are doing it.

EXHIBIT (Counties) 011

May 6, 1892 Newspaper Article – Little Falls Transcript From Monday's Daily.

The Chippewas Petition.

The Chippewas of Mille Lac seem to have got tired of waiting on their Great Father for their payments, two of which are past due, and have sent to the President a Petition signed by 679, which reads as follows:

"We, the undersigned Chippewas of the Mille Lac Reservation hereby petition our Great Father in Washington to send us our money and make us the payments that are now long past due. We fear our Great Father is taking advantage of our good nature and helpless condition, or that he has forgotten the bold stand we took in favor of the whites in 1852, when the Sioux were menacing the defenseless settlers on the Western frontier, and the blood-thirsty Hole-in-the day, backed by the Chippewas now at White Earth, asked us to join in a war to exterminate the few white people then settled in Northern Minnesota, which we could then hardly have done. We are informed and cannot help but believe that our Great Father is holding from us the money justly and legally due us, has taken the advice of some enemy of ours, or of some misguided friend, who is interested in getting us to leave our Mille Lac reservation and move to White Earth. If it so be that our Great Father desires us to remove to

White Earth, we will be pleased to meet him and talk over the matter with him as men and not as whipped and starving curs. Therefore as a condition precedent to considering any proposition of removing to White Earth, we demand that the deferred payments be made to us. As yet, we do not believe that our Great Father, in order to please political brokers, will prove false to his promise, or act in bad faith towards us. If you will not keep your promises with us while here at Mille Lac we could hardly expect you to keep them at White Earth, and if on account of our loyalty to the government and good behavior towards the white people, we are maltreated here, we could hardly expect better treatment were we to move to White Earth. We are sorry that we have to trouble our Great Father with this petition but as you have delayed so long in sending us our money we have thought best to ask you directly for it and hope you will personally see that we get it without unnecessary delay, as we have been waiting a long time for it.

Dated at Mille Lac Reservation, March 31st, 1892."

EXHIBIT (Counties) 012

August 5, 1892 Newspaper Article – Little Falls Transcript

The Mille Lac Indian's Petition to President Harrison.

The petition from the Chippewa Indians, on the Mille Lac Reservation to The Great Father at Washington has been received by Mayor Richardson, after being signed by about 350 of the interested parties. The Indians claim that the treaty of 1869 with them has not been carried out

by the government and address themselves personally to President Harrison, hoping in this way to have their claims attended to. They claim that the settlement of the reservation by the whites is crowding them greatly, and also that the appropriation for two years still remains unpaid.

The government has got itself into a box in the way which this matter with the Indians has been carried out. Promises have been made to the Indians on one hand, and to the white settlers on the other. While the understanding with the former has not been carried out in full the whites have been allowed to settle on the land. The petition is as follows:

To our Great Father in Washington:

We the Chippewas of Mille Lac, Minnesota, have a few words that we wish to say to you. We believe you to be our friend, as we have always been friendly to the white man. On the 2nd day of October, 1880, we met your commissioner near our home at Mille Lac, among whom was our venerable old friend, Henry M. Rice, a man that we have known for many years, and for whom we entertain profound respect. Your Commissione- Whitting on that occasion told us that our Great Father had not forgotten our services in the past when the white people were in peril.

Your commissioner promised us many things, among others they told us that there will be nothing done with the lands until we get our allotment. That they were appointed to make the allotments, etc. We have been waiting patiently for them to come and divide the farm

lands among us according to the promise made to us, but as yet we have looked in vain.

A man by the name of Hall has come to see us several times. He claims to be one of your commissioners and to occupy the place of our old friend Rice, who has on account of old age become too feeble to come and see us.

This man Hall came and told us that our Great Father had let white men have all the land on the Mille Lac reservation. We could not believe him, and do not believe that our Great Father will give the lands he promised us to white men.

White men have come and are crowding us badly, we therefore respectfully ask our Great Father to remove all these trespassers from our reservation, and divide the lands according to the last treaty stipulation made with us, and do for us all that was promised by said treaty.

We recently asked our Great Father to send us our annual payments, two of which are now long past due. We are in great need of our money. We cannot understand why our Great Father should respect us for our loyalty to him and the white people, and allow us to be maltreated and abused as though we were robbers and desperadoes. We ask you to personally see that all the promises made to us in the treaty of 1889 are carried out strictly according as it reads, and was interpreted to us. And upon reading this, our petition, we want you to send us a direct answer as to what you will do.

We have confidence in you personally, but we are sure that some of your advisors, that have had the charge of the matters appertaining to our interests, have done

and are doing all that they can to defeat the plain provisions of law and defraud us out of our homes on our Mille Lac reservation.

THEY ALL GOT DUCKED.

EXHIBIT (Counties) 014

October 9, 1891 Newspaper Article – Little Falls Transcript

LITTLE FALLS, MINN., Oct. 8, 1891

TO THE TRANSCRIPT:

After undergoing perils be sea and land, I am back from the Mille Lacs reservation. At the request of Hon. D. S. Hall, chairman of the Minnesota Indian commission, I left home on the 2d inst. and went out to the reservation via., Brainerd. Major Ruffe and Hon. J. Simmons accompanied us. Capt. C. H. Beaulieu went out two or three days, ahead to notify the Indians that the commissioners were going to make them a visit. The Indians were widely scattered, and upon so short a notice but few got together to meet him; only about sixty men in all, but among them were the principal chiefs. The place of meeting was near the camp of Chief Mo-se-ma-na, a beautiful location on a long point extending into the lake from the south east. The commissioner gave them a pleasant talk, and to the point. He informed them that he had come to ask them to remove to the White Earth reservation; that he had a good place picked out for them where they could all be together, and that it was a good country – in may respects like their old home here – that they would be well treated

up there – that the government would do nothing for them where they were – that the government had opened up the Mille Lacs reservation to settlement by the whites and that already it was nearly all taken up – and that it would be impossible for them to get it back. Hon. Jonathan Simmons substantiated Mr. Hall and advised them that it would be greatly for their benefit to remove to the White Earth reservation. The Indians replied that they were pleased to receive a visit from the new commissioner – that they would consider his words and reply on the morrow. At the appointed time the commissioner met them and several of the chiefs spoke. They said that it seemed strange to them to see so much anxiety manifest for their removal to White Earth, and that they should rely upon the promises made them by their Great Father through Mr. Rice and the commission which made the last treaty with them, and remain where they were. They had all confidence in Mr. Rice, and when that gentleman was there he told them to pay no attention to any one that might come around telling them a different story than he had told them; and before they touched the pen at the time of the treaty they required Mr. Rice and the other commissioner to raise their right arm toward heaven and declare in the most solemn manner that if they would touch the pen all things that he had promised them would be honestly and faithfully carried out. The promise that they might remain on their Mille Lacs reservation and take their allotments there was clear and precise, and that they still believe that the promises made to them would be faithfully carried out by the government, and that they did not believe the statements made by their distinguished visitors were true. Mr. Hall asked them if

there was any one in whom they could place confidence. They replied there was; that they placed all confidence in the lawyer that was there from Little Falls, (Richardson); he was an old and tried friend to them, and had, at their request, attended all their treaties and wrote down the promises made to them that they might not be forgotten, and they desired him to still look after their interests.

They seemed to be firm in their determination to remain at Mille Lacs and that the government would fulfill its promise made to them, in the most solemn manner.

As to what the outcome will be, it is at present impossible to decide.

Under the late ruling of the department at Washington, throwing open the reservation to settlement, it has been all taken up and still large numbers of white men are coming in, eager to get a piece of it.

Yours very truly.

N. Richardson.

EXHIBIT (Counties) 015

October 11, 1891 Newspaper Article - Little Falls Transcript

On Saturday the 7th last, seven Mille Lack Indians, came to the city with nineteen saddles of venison. Shortly after arriving here, Jerry Root a store keeper from Fort Ripley came in and got out a writ of replevin before Justice Simmons. Constable Gorman took the venison from them and shipped it to St. Paul as the time for selling venison is nearly up. Mr. Root claims that he

bought the venison of an Indian that was camped with them on the head waters of Nokaceba river, that he sent out a team to bring in the venison, that after it was weighed and put into the wagon, the several owners of the venison demanded pay for it. The party with the wagon refusing to pay, the Indians took back the venison. The Indian of whom Mr. Root bought and paid $50 on the venison did not accompany the party that came to the city, and is conspicuous for his absence. the Indians claim that he was not authorized to sell their venison; they have gone for him and expect to have him here on the 15th last, when the title to the venison will be decided. The Indians say that the Indian that claimed to sell their venison had some good whiskey along and gave them some to drink on the occasion.

EXHIBIT (Counties) 017

March 18, 1892 Newspaper Article – Little Falls Transcript

HOPES TO MOVE THE INDIANS.

Commissioner Hall asked Help to take care the Removal of Mille Lac Indians.

Hon J. S. Hall, faithful commissioner for Minnesota arrived in the city from Washington on Monday, for the purpose of consulting with his friends who are influential with the Mille Lac tribe in regard to removing the Indians to White Earth. He had been with the department officials several days and they were quite anxious for the chief consideration of the Chippewas, at White Earth, and especially desired, that the Mille Lac people should

remove to the place where they can be much better cared for. Hundreds of white settlers have by authority of the government, received land on the Mille Lac reservation and it is certain that they will remain there and develop the country. The Indians and whites do not get along well together, and their quarrels are a source of constant annoyance to the department. The Indians would be much better off at White Earth, and it was supposed that they would not object to going their after the treaty made with the Rice commission. The signed agreement clearly relinquishes the right of occupancy of the reservation in the following words: "We do hereby forever relinquish to the United States the right of occupancy on the Mille Lac reservation, reserved to us by the twelfth article of the treaty of May 7, 1864." During the talk that preceded the signing by the Indians, this understanding of leaving the reservation was not agreed to by the Indians. Under their signed agreement, however, they have no rights there, and the white settlers have taken the land and received their patents from the government, and the United States will not withdraw the title thus given, and the national or state government will certainly protect these settlers if all the benefits under their legally secured possession. The government has made excellent provision for the Indians at White Earth, and their comfort and welfare will be increased by their removal to that place. Of course, the authorities do not like to use force in the matters and the removal of the Indians will probably be brought about by acquainting chiefs thoroughly with the settlement plans for their comfort at the White Earth., that have been adopted by the government. Some of the old men and

chiefs should be allowed special pensions, as it is hardly to be expected that they will be able to adapt themselves to the methods of making a living that will soon be necessary with the disappearance of game from Minnesota. The settlement by whites around Mille Lac will destroy all chances for the Indians to secure game there.

While in the city, Mr. Hall consulted with Messrs. Richardson, Houde and Simmons, and we have no doubt but all will unite to aiding the authorities in the effort to secure the Indians better homes. For the sake of the matters of the old reservation no means should be spared to get the Indians to remove. A number of the Mille Lac tribe were already at White Earth, and doing well and more will soon follow.

EXHIBIT (Counties) 022

November 28, 1894 Newspaper Article – Little Falls Transcript

INDIANS WANT CASH!

The Mille Lacs Petition the Great Father at Washington.

Think They Should Have Their Annuity Which has been Withheld.

Hon. N. Richardson, of this city, has received the following petition from the Chippewas at Mille Lacs, with the request that be forward the same to Washington:

To Our Great Father in Washington:

We, your children, who reside on the Mille Lac reservation in the state of Minnesota, being very poor and greatly in need of our annuity money, hereby ask you to send it to us. We have already suffered much from hunger and cold since our payments have been withheld from us. We know that our Great Father has so far as he could do so, given away our homes at Mille Lacs to strangers who are here for the purpose of dispossessing us. As we have never consented to give up our lands we believe our right to them is paramount to that of any other person or persons. We therefore propose to retain possession of them until a court of competent jurisdiction shall decide that we have no legal right to retain possession of our reservation. As our right to annuity money has not, so far as we have learned been denied, we therefore look upon the withholding of it from us as outrageously wrong, and unworthy of a civilized government. Hoping that our Great Father will no longer withhold from us what is our due, we are as ever, your most obedient children of Mille Lac, October 10th, 1894.

Wa-wen-com-sek

Mo-so-no-many

Cowatossa

Wah-de-na

Na-gun-un-bu

Ski-un-wag

Na-gna-be-ba

Ash-how

All-gl-see

Keah-ge-na-kwa-na-bee

Kee-gwa-do-any

Chul-ka

Nau-kwa-abo.

Nie-geh-ne-be-uses

Char-kee-gar-bo

Way-che-char-gob

Che-no-tiu

Char-wa-nah-kwa-twah

Pah-dah-he-kee-shik

Me-ce-gon

Lah-geh-chew

Ko-kee

A-kee-way-see

Sho-bo-ke-shek

Nah-war-kive-gah-how

Names of warriors,

Seven hundred Indians want payments.

EXHIBIT (Counties) 023

June 24, 1895 Newspaper Article – Little Falls Transcript

A PETITION TO GROVER.

The Mille Lacs Indians Want Their Wrongs Redressed

A petition will be forwarded to President Cleveland this week from the Indians on the Mille Lacs reservation. The Indians claim the government is trying to coerce them by withholding payments due, so as to make them remove to White Earth, which they do not wish to do. These Indians are profoundly attached to their present abode, and up to the present time it has been found impossible to induce them to go to White Earth. The petition will succeed in reminding the government that the Mille Lacs question is unsettled, if it does nothing else. Following is the petition:

To His Honor, Grover Cleveland:

Our Great Father: We, your children, Chippewa Indians residing on our reservation at Mille Lacs, Minnesota, believing in your integrity and honesty of purpose, again ask you to cause the payments now long past due, to be made to us. Many of us have suffered very much with both cold and hunger during our long winters on account of our payments being withheld from us. This is the treatment that we have of late years received from the United States government, which in years gone by we greatly loved and respected, so much so that at one time we put our lives in peril to defend it. We are told by some

of our friends that our payments are withheld from us by our Great Fathers' dishonest and inhuman servants, whose action is not known to him, they, hoping by such foul treatment to induce us to abandon our old home at Mille Lacs and remove to White Earth. We may continue to suffer from cold and hunger for the want of the money which is due us from the United States, but such inhuman treatment will never succeed in accomplishing its purpose. We may have to wait many moons before you send us our money. We, nevertheless, will continue to live on our reservation at Mille Lacs and entertain the hope that the Great Master of Life will soften the hearts of those who are withholding our payments from us and induce them to give us the money that is due us.

And we further ask you, our Great Father, to remove from among us, the pale-faces that are here trying to take from us our lands. Many of them are very insolent people, and are a great annoyance to us. Hoping that you will not turn a deaf ear upon this, our just and reasonable request, as you have many times done of late years when we have appealed to you to assist us and give us what you in a most solemn manner promised us in the last treaty made with us in 1880.

We are as ever, your friends, and are still loyal to the government of the United States.

Signed and dated at Mille Lacs, June 9, 1895.

The petition was signed by Wa-way-we-conig. Na-qun-na-ba (No. 1), Mo-so-ma-nu (No. 2), head chiefs and nearly two hundred of the other chiefs and braves. The petition was drawn up by Judge Richardson, who has

been attorney for the Indians for many years, and in whom they have the utmost confidence.

EXHIBIT (Counties) 024

February 6, 1896 Newspaper Article – Little Falls Transcript

ANOTHER APPEAL.

Mille Lacs Indians Again Urge the President to Grant their Requests.

The following petition has been signed by about three hundred of the Mille Lacs tribe of Indians, and will soon be forwarded to Washington:

To Our Great Father:

We, the undersigned Chippewa Indians, residing on our reservation, at Mille Lacs; in the state of Minnesota; having often, by petition, asked you to cause the promises made to us, in the treaty of 1889 to be fulfilled, to all of which, you have turned a deaf ear; at that treaty, you in most solemn manner, pledged to us all the farm-lands upon our Mille Lacs reservation, and that you would make us annual payments in money. To-day we find a large number of pale faces occupying our farm lands, who say that you gave the land to them. We believe the farm lands on this reservation belong to us, and we shall so believe, until the highest court of the white man says they do not. What we now especially want and demand, is the money that is due us. We are suffering from cold

and hunger. We hope our Great Father is not. Our children are crying for bread, we hope our Great Father's children are not. Could you hear them, your heart of stone might be softened. We may not ask you again for our money, but it is our intention to suffer no longer in silence.

These Indians have before sent petitions to the Washington authorities, but it is apparent that the president and department desire to leave the question to the Minnesota Chippewa commission. The whites seem to be gradually acquiring possession of more land, and it is surprising that there is so little trouble between the settlers and Indians. The government should take some positive action – either admit the right of the Indians to remain there, and then pay them the annuities; or else compel them to go to White Earth, where abundant provision has been made for them. If the Indians are going to be allowed to remain on the lands. It is unfair to allow white settlers to make homes there, and is unfair to hold back money due the Indians. If the Indians are going to be taken from the lands, the sooner it is done the better for all concerned. This cruel policy of trying to starve the Indians into submission is severely worthy of this action. It is generally believed that if special provision for the old chiefs and [Illegible]

* * *

EXHIBIT (Counties) 025

December 4, 1896 Newspaper Article – Little Falls Transcript

A band of Indians from the Mille Lacs country hunted deer in Morrill this season, and killed 18 in one week. Their method of hunting is to station themselves on stumps here and there throughout the woods, and send a pack of hounds in to drive the game. In this way the deer are brought within range and easily killed. The settlers did not approve of this method and killed five of their dogs.

EXHIBIT (Counties) 026

March 9, 1894 Newspaper Article – Little Falls Transcript

AFTER LAW BREAKERS.

Game Warden Farnham and a Transcript Reporter's Visit.

State Game Warden, Frank W. Farnham, accompanied by a Transcript representative, returned Friday evening from an extended trip, lasting three days, to the lakes that form the head waters of the Platte river.

The warden's mission to that place was to stop the large number of Indians who have been indiscriminately killing game and catching fish during the winter months and also to stop the whites, who have been fishing quite extensively for the market.

Complaint was made by several parties of the city to A. F. Ferris, of Brainerd, a member of the board of fish and game commissioners, who promptly sent the warden to look the matter up.

The warden's arrival at the lakes, although not entirely unexpected was nevertheless a surprise to all the law breakers, and some of their attempts to conceal their guilt on short notice were laughable indeed, and one man from the vicinity, in his endeavors to hide his work threw his entire day's catch of almost fifty fish back into the lake.

There were between seventy-five and one hundred Indians on the lakes all engaged in fishing, mostly with spears through holes cut in the ice, and settlers, and some fish were seen in their possession that were caught with gill nets. Warden Farnham allowed the offenders to keep what fish they had caught, but very forcibly warned them against continuing their offence, and gave them all to understand, both the whites and Indians, that if they were found again ingaged in breaking the law by either killing game or catching fish, they would be vigorously prosecuted. The Indians were fully aware that they were violating the law and as soon as they were warned to leave they began folding their blankets and getting together their few other personal effects preparatory to a speedy departure to Mille Lacs. Mr. Farnham did not place much confidence in the veracity of the poachers, who in no instance would report against any other parties breaking the law, but paid a visit to all the lakes including Sullivan, Platte, Round, Rock Fish, Pelkey and Rice lakes and warned everyone to desist from catching fish by any means whatsoever until the time provided by law, which

continues from April 1 to Oct. 7 for trout, and from April 15 to Dec. 7 for pike, bass and pickerel.

The Indians have been supplying the lumber camps all winter with fish and as they have all about broken-up camp the Indians were left with a considerable supply on hand. The warden made a thorough search for game that was killed out of season, and although the Indians have been killing deer and partridges nearly all winter, none of the game could be found. Mr. Farnham called on Mr. Richardson, of this city, who acts as counsel for the Indians, and Mr. Richardson promised to do everything in his power to have the Indians leave that locality, and as they seem to rely greatly on his advice, they will undoubtedly leave, or if they stay their fishing will be confined strictly to the limits of their own needs, and not for the market. The trip of Warden Farnham, certainly resulted in considerable benefit to the preservation of the fish in those lakes, for there were about twenty-five whites coming from as far as St. Cloud, Rich Prairie and this city, each of whom were catching on an average of about fifty a day, and after a short interview with the warden began loading their outfits for the trip home, considering themselves fortunate in escaping arrest. Everyone in that vicinity has been fully warned, and if they continue to violate the law there are parties there who will report them, and they will be promptly arrested, and prosecuted to the full extent of the law.

Mr. Farnham took the early morning train for Minneapolis, well satisfied with the results of his trip, which was quite a hard one, as the roads up in that country are very bad, owing to the last warm weather.

Scott To Commissioner (April 15, 1897)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0284

Department of the Interior,

U.S. INDIAN SERVICE,

April 17, 1897.

Hon. Commissioner of Indian Affairs,
Washington, D.C.

Sir:

I have the honor to enclose you letter of Messrs. Beaulieu & Campbell and clippings sent me by that firm.

It was told me on my recent visit to Fond du Lac Reservation that this firm had assured the Indians that they had a perfect right to kill game in violation of the State law and if they got into trouble they would defend them and get $10 a day for them for every day they were in prison. I do not know this to be the case, but believe it to be so.

I have no recommendations to make, as it seems to have been definitely settled by the Supreme Court that the Indians must obey the State laws, notwithstanding treaty stipulations.

Very respectfully,

G.L. Scott

Enclosure.

G.L.S.

INDIAN CLAIMS AGENCY

47 COURT BLOCK

St. Paul, Minn. April 15th, 1897.

Capt. G.L. Scott
U.S. Indian Agent
Ashland, Wis.

Dear Sir:-

On the 27th, ultimo, two Indians under your Charge, and belonging to the Fond du Lac Bands of Chippewas, namely: Albert Porter and John Mc.Carthy, the latter an Indian of full blood, were arrested at Carleton for having violated the game laws of this state, and were sentenced to pay each fifty dollars fine or be imprisoned sixty days each in the Carleton County Jail.

An application for a pardon was made to the Minnesota Board of Pardons upon the grounds that Article 11 of the treaty between the bands to which these Indians belong and the United States, proclaimed: January 29th, 1855, gives the Indians the right to hunt and fish in the teritory where the alleged offence was committed.

Hon. E.C. Stringer, U.S. District Attorney for the District of Minnesota, argued the matter before the board, but its final decission was against granting the pardon. The Pardoning Board took the position that the Indians are amendable to the State game and fish laws, and in support of its position refers to the case of Ward vs. Racehorse (163 U.S. 504).

Mr. Stringer takes the position that the treaty which governed the U.S. Supreme Court in its decission in the above entitled action is essentially different from the treaty under which the Indians above named made their made their application for pardons.

On behalf of the Indians, Porter and Mc.Carthy, who are now in jail at Carleton, and who have appealed to us for assistance, we would ask that you refer the matter to the Indian Bureau at Washington with a recommendation to have the matter immediately referred to the U.S. Attorney General with the view that Mr. Stringer, who is not only willing but anxious to protect the Indians in their treaty rights, may be instructed to secure the release of Indians on a writ of habeas corpus.

Very respectfully,

/s/ Beaulieu & Campbell

_____ FOR INDIANS

THEY MAY HUNT AND FISH WHEN AND WHERE THEY WILL

United States Attorney Stringer Says That These Rights Are Given To Them by Old Treaties – State Laws Cannot Interfere – State Agent Fullerton Says This Will Mean the Extermination of Game in the State – Two Imprisoned Indians Want Pardons.

An Indian with a gun off his reservation is the worst possible menace to the game interests of the state and should be suppressed. This is the opinion of State Game Agent Fullerton and he has made very effort to make the Indian confine his hunting to his reservation. In doing this, he thought that he was acting within the law of the state and of the land. But United States District Attorney Stringer says that the privileges of hunting and fishing in the state are guaranteed to the Indians by the treaties with the government, that the state has no jurisdiction in their case at all, and that the seizures of game in

in direct contravention of the rights under these treaties. More than that, he gives notice that those at present in prison on account of such violations must be released forthwith and that the rights of the race in this respect must be respected in the future.

While these reserved rights have been known to Mr. Stringer the occasion has only recently arisen that called for a frank enunciation of them. Knowing that it meant a possible clash between the state and the national courts, he has taken every method to postpone the issue without decision, realizing as well what its effect would be on the game and fish interests of the state. The occasion arose recently that compelled him to act.

Yesterday, Mr. Stringer appeared before the board of pardons with a request for the immediate release of Albert Porter and John McCarthy, two Fond du Lac

Indians who are serving sixty-days sentence in the Carlton county jail for having a saddle of venison in their possession while off the reservation. They were arrested March 27 and tried in the justice court of Carlton. They were ignorant men, and seeing no way out of the trouble, they pleaded guilty and were sentenced to jail.

Mr. Stringer's statement to the board yesterday was brief, but to the point. He stated that the men were held illegally and that they ought to be released. They were not violating any law under their treaties with the government and the state was exceeding its authority when it arrested them. This was new to Chief Justice Start. "Do you mean to say that an Indian, when off his reservation is not amendable to the laws of the state?" he asked of the district attorney.

"That is the case with these men," was the reply and he then proceeded to fortify his position.

"Under the treaties that the government made with the Indians of the old Northwest territory in 1794 and later in 1838 and 1855," said he, "The right was reserved to them to fish and hunt in any of the territory so ceded. They can hunt and fish off the reservation the same as on the reservation and, it is not within the power of the state to interfere with them in that privilege. Those treaties were formally ratified by Congress and are in effect today ___ can be taken away from them only by the president. He may revoke the privilege at any time but until he does there is no way of depriving the Indians of them.

"It seems to me," said Chief Justice Start, "that it is a matter of good deal of importance to the state if Indians can roam all over Minnesota, and hunt and fish and

slaughter game at their own sweet will. It is a very serious question. I don't see how this board can properly consider this point. A writ of error to the United States court, it seems to me, would be the way to settle it. It would strike the uninformed layman as an injustice if Indians are not amendable to the law when off the reservation."

"Mr. Stringer is entirely right," put in Attorney General Childs, who had been a very attentive listener to the district attorney's statement of the case. "I satisfied my mind two years ago on this point, though I have never given any opinion in the matter." Without asking for further evidence on the point the board took the case of the two imprisoned Indians under advisement.

Mr. Stringer went into the details of the case at more length ___ Pioneer Press

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it was ratified by Congress, and until amended by executive proclamation all its provisions remained in effect, not only in Minnesota, but in the other Northwestern states east of the Mississippi as well. "No such proclamation had ever been issued or asked for, and as long as the treaties remained in force no legislation of the state could contravene them. He had hitherto refrained from bringing the point to a direct issue, for the reason that if he brought it into the courts the publicity given to the matter and the final decision if in favor of the Indians would play havoc with the game interests of the state.

Two years ago some Indians were arrested for having venison in their possession while off the reservation and

their outfits were confiscated," said he. "The case was settled on the outside for the reason I have given. A few weeks ago the case of *Fairbanks vs. Fullerton* was likewise settled. This was a suit brought against the state agent for the value of venison shipped from the reservation to ___. I am an official of the government and supposed to protect the rights of its wards, the Indians, and I shall certainly take every means to do so. I hope we can avoid a contest with the state over this case. Otherwise, the game interests of the state will be very seriously effected if not ruined.___

Letter December 16, 1898 Acting Commissioner Of Indian Affairs To Heatwole

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Refer in reply in the following:
Land
56213-1898

Department of the Interior
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, December 16, 1898,

Hon. Joel P. Heatwole,
House of Representatives.

Sir:

This office is in receipt of your favor of the 13th instant, in which you enclose a newspaper clipping containing an interview with Mr. Samuel F. Fullerton, Executive agent of the Minnesota Board of Game and Fish Commissioners, and also a copy of his letter dated the 7th instant, illegible to this office, relative to Indians in Minnesota leaving their reservations and killing game in violation of the State Game Laws.

You state that trouble is feared unless the Indians are restrained from leaving their reservations for this purpose; and ask that action be taken to prevent future depredations of this character.

In reply I have to say that this office, under date of the 10th instant, addressed the following answer to Mr. Fullerton, in response to his request, as fully set forth in his said letter of the 7th instant, which is quoted in the newspaper article enclosed in your communication: –

In reply you are informed that under date of September 22, 1897, Mr. T. E. Byrnes, Attorney for your Board, then in this city, made about the same complaint, and a like request. At this time this office in compliance thereto, addressed the following instructions to the Indian Agents of the White Earth and La Pointe Agencies: –

'In view of the policy of this office to prevent so far as possible the Indian wards of the Government from interfering with or violating any laws of the States or Territories in which their reservations may be situated, you will as soon as possible take such steps as may be necessary to cause the Indians under your care to be fully informed of the provisions of the Game Laws of Minnesota, as above indicated. You will also inform the Indian traders upon the reservations under your charge that they must not violate the said laws; and that if they do this office will hold them responsible.

It is presumed that you are already supplied with copies of the said laws, or if not, can easily obtain them from the proper State authorities.

You should carefully warn the Indians and Traders of the provisions and requirements of those game laws, and of the penalties for a violation of the same.

Your hearty co-operation with the State authorities, so far as consistent with your official duties is expected in this matter.'

No doubt the Indians of the various reservations under the jurisdiction of these Agencies were fully informed relative to the game laws of Minnesota and also carefully warned as to the trouble they would get into if they violated the

same. From the above instructions, it is presumed that the Indian Traders were also given such warning; but in case they are still violating the game laws or aiding and abetting the Indians in so doing, this office would be glad to have you furnish definite information together with such proof as you can obtain – giving names in full, dates, etc., – as to their actions. Prompt action can then be taken; and should they be found guilty of the acts charged, *their licenses will be revoked* and they may be removed from the reservation.

Concerning the illegal hunting by Indians, I have this day addressed instructions to the White Earth and La Pointe Indian Agents directing that they again thoroughly warn the Indians under their care against illegally killing game while off their reservations; and to take such action as may be necessary to prevent so far as possible the Indians leaving the reservation for this purpose.

A copy of these instructions to the Agents is enclosed herewith for your information in the premises.

I fully concur with your views as to the situation in your State, relative to the danger of an outbreak on the part of the Indians, and I want to congratulate you personally on the manly and sensible manner in which you have disposed of the trouble at Park River Island. It is in refreshing contrast to the conduct of affairs by other officials in the chaos that led to the deplorable affair at Beer Island. I can only assure you that I will gladly co-operate with you at any and all times you may see fit to call on me.

It is thought that the action taken as above indicated, will to a great extent remove this cause of complaint.

Very respectfully,

/s/ Illegible
Acting Commissioner,

(Hooster)

Merritt To Hammitt (December 14, 1925)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0031

DEC – 9 1925

Mr. John S. R. Hammitt,

Supt. Lac du Flambeau School.

My Dear Mr. Hammitt;

Referring to the last paragraph of your letter of November 25th, relative to hunting, trapping, and fishing by Indians, your attention is invited to the letter on this subject dated November 27, 1925, addressed to Mr. W. R. Stimpson, manager of the Ojibwa Lodge, Lac du Flambeau, Wisconsin, a copy of which was sent you. Your attention is also invited to the inclosed copy of a letter dated November 11, 1925 (70914-25), addressed to Mr. James P. Hyder, superintendent of the Hayward Indian School, and to the inclosed copy of letter of November 20, 1925, addressed to the Secretary of the Interior, requesting that the United States attorney be called upon to defend the two Indians, Moses Cloud or Blue Sky and William Martell, in pursuance of their rights under article 5 of the Chippewa treaty of July 29, 1837 (7 Stats. L., 536-7).

The Office is of the opinion that the Indian citizenship act of June 2, 1924, does not affect the administration of affairs on Indian reservations and that it does not deprive Indians of their particular rights under their treaties.

The treaty of August 2, 1847 (9 Stats. L., 904), between the United States and the Chippewa Indians, contains no reference to hunting or fishing rights.

By the treaty of September 30, 1854 (10 Stat. L., 1109), between the United States and the Chippewa Indians, certain land was ceded and certain tracts of land were provided to be set aside for the different bands of the Chippewa Indians of Lake Superior under which the present reservation of the Lac du Flambeau Indians was set aside. Article XI of said treaty contains the following:

> "All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at A'Anes, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President."

No record has been found of the abrogation of the treaty provision last above cited. Apparently, therefore, there is merit in the claims of the Indians. The question of the rights of the Chippewa Indians under the treaty of July 29, 1837 was taken up with the Department of Justice under date of November 20, 1925, in the case of Moses Cloud (or Blue Sky) and William Martell of the Lac Courte Oreille Reservation, and while it was not practicable to take action in that case, the Assistant Attorney General stated "I shall authorize the United States Attorney to take immediate action should another such case arise."

It is suggested that you get in touch with Superintendent Ryder and ask to be informed promptly of any developments or decisions in that case.

In the meanwhile it would be well for your Indians to avoid the inconvenience, etc., of being arrested on account of hunting, etc., out of season.

Very truly yours,

(Signed) E.B. Meritt

Assistant Commissioner.

1926 Letter Burke To Houle, Etc., MN 14539-40

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

MAY – 5 1926

Messrs. Louis Ayneahsung
Frank Barney,
Mike Houle,
Sawyer, Minnesota.

Gentlemen:

The receipt is acknowledged of your letter of April 25, relative to the hunting and fishing rights of the Chippewa Indians under Article V of the Treaty of September 29, 1837 (7 Stat. L., 493).

As the legal description of the particular tract of land where you were hunting is not known, the Office is unable to state whether or not you were within your rights. However, your attention is invited to the fact that the treaty of September 29, 1837 was modified by the Chippewa Treaty of February 22, 1855 (10 Stat. L., 1165), Article I of which provides for the cession of certain lands, and contains the following cession: "And the said Indians do further fully and entirely relinquish and convey to the United States any and all right, title, and interest, of whatsoever nature the same may be, which they may now have in, and to any other lands in the Territory of Minnesota or elsewhere". Provision was made in said treaty for payment to the various bands of the Chippewa Indians for the cessions made by them.

Therefore if the land where you were hunting is within any of the land ceded by said Indians, it would be necessary for you to comply with the state law in view of the modified provisions of the treaty.

Sincerely yours,

(Signed) Chas. H. Burke
Commissioner.

5 To 1

Copy to Consolidated Chippewa.

Burke To Hammitt (December 2, 1928)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0032

DEC – 2 1928

Mr. J. S. R. Hammitt,

Supt., Lac du Flambeau School.

Dear Mr. Hammitt:

In response to your letter of November 15, 1925, relative to the claims of the Indians that they have the right to hunt and fish on territory ceded by them, you are informed that it appears that Sections 4, 9, 16, 21, 28 and 33, in Township No. 40 N., Range 4 E., are within the territory ceded to the United States by the Chippewa Nation by the treaty of July 29, 1837 (7 Stats. L. 536); Section 5 of said treaty provides:

> "The privilege of hunting, fishing, and gathering wild rice upon the lands, the rivers and the lakes included in the territory ceded is guaranteied to the Indians, during the pleasure of the President of the United States."

The Treaty of October 4, 1842 (7 Stats. L. 591), by which the Chippewa Indians ceded to the United States certain land in Wisconsin contains the following provision:

> "Article II. The Indians stipulate for the right of hunting on the ceded territory with the other usual privileges of occupancy, until required to remove by the President of the United States, and that the laws of the United

States shall be continued in force, in respect to their trade and intercourse with the whites, until otherwise ordered by Congress."

It is therefore suggested that you take the matter up with the United States Attorney and with the State Commissioner of Conservation, Madison, Wisconsin, with a view to having appropriate action taken to have a test case instituted in case the Conservation Commissioner does not feel justified in conceding the claims of the Indians.

In the meantime it is requested that at your early convenience you inform the Office fully relative to the status, condition of settlement, etc., of the land outside the reservation and on which the Indians claim the right to hunt and fish under said treaty, together with your recommendations as to what, if any, action should be taken to abrogate the above treaty provisions.

Sincerely yours,

(Signed) Chas. H. Burke
Commissioner.

11-LM-24
Carbon to Hon. Elmer S. Hall,
Commissioner of Conservation,
Madison, Wisconsin.

April 30, 1934 Letter From Collier To Reynolds

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

L-S
16880-34

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON

APR 30 1984

Mr. Billy Reynolds,
Box No. 4,
Markville, Minnesota.

My dear Mr. Reynolds:

Reference is made to your letter of April 5, advising that you have been arrested and sentenced to jail for having been found in possession of a deer head on the Fred St. John allotment in Ogema Township, Pine County, Minnesota.

This land does not appear to be within the limits of any Indian reservation, and in this situation the state game laws apply to fishing or hunting thereon whether by Indians or whites.

You do not state in your letter whether the allotment is still held in a trust or restricted status by the government. We are unable to find any record of an allotment made in the name of Fred St. John, and presumably if the land described by you has been allotted, it was made as a public domain selection under some name not given in your letter. If, in fact, it is a public domain allotment, still

held in trust by the government, nevertheless the state game laws would apply and you would be punishable under the state game laws for killing deer on the land out of season.

Sincerely yours,

/s/ John Collier
Commissioner.

Letter, Zimmerman To Okonski, August 23, 1945, CCF 2940, Great Lakes 931, RG 75, NA

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Hon. Alvin E. O'Konski,

House of Representatives.

My dear Mr. O'Konski:

On July 5 we acknowledged receipt of your letter of June 30 transmitting a letter from Jim Bennett, of Lac Courte Oreille, in which Mr. Bennett asks a number of questions concerning, the affairs of the Lake Superior band of Chippewa Indians. The following are answers to Mr. Bennett's questions. An extra copy of this letter is enclosed for your convenience in replying to Mr. Bennett.

In his question numbered 1, Mr. Bennett states that the Chippewas are not allowed to cut firewood on their own land without a permit and cannot market timber from their own land. He wants to know why. The timber on the Lac Courte Oreille Reservation was clean out many years ago and the proceeds distributed. The second-growth timber is too young for harvesting and must be protected in order to grow to maturity. Under the law and regulations, Section 61.27, Title 25, Code of Federal Regulations, all timber cutting on trust allotted Indian lands *"Except cutting of allotted timber for the personal use of the allottee"* shall be done under the regular permit, Form 6-924.

Indiscriminate cutting of the young stands on the Indian lands would be a repetition of the disastrous mistake in the white-pine belt of the Lake states sixty and

more years ago when clean-qutting and fire devastated thousands of square miles of virgin forest, leaving ghost towns and charred stumps in their wake. The Indian Service is directed by law to protect the remnants of Indian timber and manage them on a sustained-yield basis.

Questions 2 and 3 deal with the treaty right of the Chippewas to hunt, fish and trap on lands adjacent to their reservations without a license, to gather wild rice and camp on the shores of the lakes on these outside lands.

Some of the Indians of the Lake Superior band of Chippewas may be of the opinion that they have the right to gather wild rice and to hunt and fish on ceded lands under Article V of the treaty of July 29, 1837, which provides as follows:

> "The privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers, and the lakes included in the territory ceded, is guaranteed to the Indians, during the pleasure of the President of the United States."

This privilege was revoked by an Executive Order signed by President Zachary Taylor on February 6, 1850, which provides as follows:

> "The privileges granted temporarily to the Chippewa Indians of the Mississippi by the fifth article of the Treaty made with them on the 29th of July, 1837, 'of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded' by that Treaty to the United States; and the right

> granted to the Chippewa Indians of the Mississippi and Lake Superior, by the Second Article of the Treaty with them of October 4, 1842, of hunting on the territory which they ceded by that Treaty, 'with the other usual privileges of occupancy until required to remove by the President of the United States,' are hereby revoked; and all of the said Iddians remaining on the lands ceded as aforesaid, are required to remove to their unceded lands."

As a result of this Executive Order the members of the Lake Superior band of Chippewa Indians have only the right to engage in these activities on the ceded lands in common with other citizens of the State of Wisconsin and in accordance with the laws of that State.

Mr. Bennett's fourth question dealing with the education of Indian children will be answered in a separate letter.

As to question 5 concerning the repair of old people's homes, Mr. Bennett probably refers to the Rehabilitation funds which were made available to the Indian Service out of the general emergency relief appropriations of the late thirties. During the period 1935 to 1941 inclusive, $37,253.96 of Rehabilitation grant funds were expended for improvements at Lac Courte Oreille. The selection of the families to receive new improvements or to have their homes repaired was a matter decided by the tribal officers and the superintendent. While the Office records do not show how many of the improvements were made for the old and indigent families, there is sufficient evidence to show that a substantial amount of the improvements were given to this group. The funds used were also

available to help establish Indian families in operations for their own living. We realize that the housing conditions are very poor at this reservation, but since the beginning of the war we have been unable to alleviate this condition.

Question 6 reads as follows:

> "It is reported that Congress appropriates money periodically for our Tribe, however, from visible evidence not one cent ever reaches our Reservation. We would like to know where such money goes if such money is appropriated."

Mr. Bennett shares a popular misconception as to the role of the federal government in Indian affairs, a misconception which has produced much trouble and misunderstanding. Congress does not appropriate money for distribution among Indians except in fulfillment of specific treaty obligations. Congress does annually appropriate funds to render services to Indians. For instance, Congress annually appropriates more than $10,000.00 for the education of Indian children; it appropriates more than $5,000.000 annually for hospitals, doctors and nurses for Indians. These two appropriations, for Indian education and health services, constitute almost two-thirds of all the money made available by Congress annually for Indian affairs. Congress also appropriates money annually for building and maintaining, roads, bridges, irrigation systems and range improvements on Indian lands. For the administration and protection of Indian forests and range lands, for the agricultural extension and credit work among Indians, for direct relief and for the maintenance of law and order, other much smaller appropriations are

made annually, but no money is appropriated for distribution among the members of any specific tribe, either in cash or in the form of rations. The annual appropriation for the administration of Indian affairs largely pays the cost of those services – education, health, law enforcement, relief, roads, etc. – which white communities pay for out of local taxes plus federal and state subsidies; in the case of Indian communities, the federal government assumes the entire cost of these services.

Mr. Bennett in part answers his own question when he suggests in question 7 that the Haynard Indian Hospital be not abandoned. Surely this hospital, operated with federal funds appropriated by Congress, is of direct benefit to the people of Lac Courte Oreille. There is no thought of closing this Indian hospital now or in the future until it is possible to obtain better hospital and medical service for the Indians of this area from other sources. The school and hospital were constructed with federal, not tribal, funds. The question of the title to the land upon which those buildings stand has been discussed at length during the last decade; it is felt that the land is government land. The transfer of the school plant to the State of Wisconsin was made on a basis which brought compensating advantages to the Indian population of Wisconsin. The school plant was not adapted for use as an old people's home.

Mr. Bennett complains that the superintendent does not always attend the meetings of the Lac Courte Oreille council but sends a substitute. The superintendent of the Great Lakes Agency, located at Ashland, looks after a dozen reservations scattered over the northern parts of

Wisconsin and Michigan. It would be physically impossible to attend personally all the meetings of all the Indian organizations in his jurisdiction, especially during the war period when rubber and gasoline are so very scarce.

It appears from Mr. Bennett's remarks under question 9 that he does not approve of the notions of the Lac Courte Oreille council. This council was elected by the members of the tribe at a free and open election. The democratic remedy is at Mr. Bennett's disposal. If he can convince a majority of the members, he can bring about the election of a new council.

In our opinion, the legal transportation of liquor over roads on ceded lands and through checkerboarded reservation lands has no relation to the transportation of deer killed in violation of state law over the same roads. We sympathize with the desire of Mr. Bennett and many other Chippewas for a return to the old days of a century ago when game and fish were plentiful in the Indian country, but under modern conditions game conservation laws must be enforced if the remaining wildlife is to be preserved.

I hope that this letter will enable you to reply to your correspondent.

Sincerely yours,

/s/ [Illegible] Zimmerman, Jr.
Assistant Commissioner.

Enclosure 190

cc – Great Lakes Agency
Forestry & Grazing

Defendant's Objections To Findings Of Fact, Etc.,
***Mole Lake Band v. United States,* Ct. Cl. No. 45162(I)**
(January 3, 1947), pp. 22-23

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0034

Court of Claims

No. 45162(I)

Mole Lake Band, et al., of Chippewa
Indians of Wisconsin,

Plaintiffs,

vs.

The United States,

Defendant.

Fond du Lac Band, et al., Chippewa
Indians of DEFENDANT'S Minnesota,

Intervenors.

OBJECTION TO FINDINGS OF FACT
REQUESTED BY PLAINTIFFS AND DEFENDANTS
REQUEST FOR FINDINGS OF FACT

Clifford R. Stearns
Attorney

IN THE COURT OF CLAIMS OF THE UNITED STATES

NO. 45162(I)

Mole Lake Band et al. of Chippewa Indians of Wisconsin,

Plaintiffs,

v.

The United States,

Defendant

and

Fond Du Lac Band et al. of Lake Superior Chippewa Indians of Minnesota,

Intervenors

DEFENDANT'S OBJECTIONS TO FINDINGS OF FACT REQUESTED BY PLAINTIFFS

AND

DEFENDANT'S REQUEST FOR FINDINGS OF FACT

The defendant objects to plaintiffs' requested findings in the following particulars:

PLAINTIFFS' FINDING I (R. 66)

The defendant does not object to the finding as granting the Court jurisdiction of the present case but plaintiffs'

* * *

venors in the original case (No. 45162) in the Court of Claims, have no interest in the present suit, namely, No.

45162(I) in the Court of Claims (See Hearings before Comm'r Gyles, Nov. 18, 1946, p. 25).

Defendant's Finding 3

By the treaty of July 29, 1837, 7 Stat. 536, the Chippewa Nation of Indians ceded to the United States a large tract of land in Wisconsin but reserved a right of occupancy to the ceded lands in the following terms:

> Article 5. The privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers, and the lakes included in the territory ceded, is guaranteed to the Indians, during the pleasure of the President of the United States.

By the treaty of October 4, 1842, 5 Stat. 591, the Chippewa Indians of the Mississippi and Lake Superior in the Territory of Wisconsin ceded to the United States all the remaining land which they occupied in Wisconsin but reserved a right of occupancy to the ceded land in the following terms (Art. II):

> The Indians stipulate for the right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to remove by the President of the United States, and that the laws of the United States shall be continued in force, in respect to their trade and intercourse with the whites, until otherwise ordered by Congress.

Defendant's Finding 4

By an Executive Order of February 6, 1850, the President directed the removal of the Chippewa Indians from their lands in Wisconsin to unceded lands ~~an area in~~

~~Minnesota subsequently to be selected for them (Deft's Ex. 31, filed Dec. 3, 1946)~~. This order was never carried out because a suitable reservation in Minnesota was never located for plaintiffs and from time to time the Government extended the time for removal, so that the Indians might continue to remain on the land to which they had aboriginal possession in Wisconsin.[1]

Congress made no appropriation for carrying out the removal under the Executive Order of 1850 until after the passage of the Swamp Land Act of September 28, 1850, 9 Stat. 519. Thereafter the Congress from time to time appropriated money for their removal but never ordered, as provided by the treaty of 1842, *supra*, p. 22, that the trade and intercourse laws of the United States were no longer in force in the ceded territory. Act of September 30, 1850, 9 Stat. 544, 556; Act of February 19, 1851, 9 Stat. 570, 572.

Defendant's Finding 5

In 1854 an Act was passed to provide for the extinguishment of title of the Chippewa Indians in Wisconsin to lands

* * *

[1] See Supp. Rept. Sec. Int. to A. G., dated Nov. 12, 1946, p. 2; H. Ex. Doc. No. 1, 32d Cong., 1st sess., pp. 295, 329, 331, and 334; H. Ex. Doc. No. 1, 33d Cong., 1st sess. (1853), p. 244; H. Ex. Doc. No. 1, 33d Cong., 2d sess. (1854), p. 213.

Defendant's Request For Findings, Etc., *Mole Lake Band v. United States*, Ct. Cl. No. 45162(I) (July 23, 1948), pp. 164-65

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0033

* * *

would thus cede all of the remaining land which they owned east of the Mississippi. Finding 10, R. 112-113.[2]

As found by the commissioner (Finding 16, R. 114) the lands embraced in the three reservations were, at the time of the passage of the Swamp Lands Act of 1850 and at all times thereafter, occupied and in possession of the Indians, first, under the provisions of Article 5 of the treaty of 1837 and Article 2 of the treaty of 1842, and afterwards as permanent reservations under the treaty of 1854. Plaintiffs have mistakenly assumed that because the President issued an Executive order of February 6, 1850, directing the removal of the Chippewa Indians from their lands in Wisconsin to an area in Minnesota subsequently to be selected for them, that the right of occupancy was extinguished prior to the Swamp Lands Act of September

[2] Rept. Sec. Int., 1854, p. 213; also, Handbook of American Indians, Pt. 1, Bulletin 30, Bureau of American Ethnology, Smithsonian Institute, Washington, 1907, pp. 277-279; Wild Rice Gatherers of the Upper Lakes by Albert Ernest Jenks, Washington, 1910, p. 1040 ff.; History of Chippewa Nation, St. Paul, 1885, p. 298 ff., 316, 463, 490; Rept. Commr. Ind. Affrs., 1851, p. 265 ff., 430; Rept. Sec. Int., 1850, pp. 37, 95, 121; Rept. Commr. Ind. Affrs., 1852, p. 334; Rept. Commr. Ind. Affrs., 1853, p. 244.

28, 1850. But the Executive order was never carried out because a suitable reservation in Minnesota was never located for the plaintiffs and from time to time the Government extended the time for removal so that the Indians might continue to remain on the land to which they had aboriginal possession in Wisconsin.[3] (See *United States v. Thomas*, 151 U.S. 577; also *Fellows v. Blacksmith*, 19 How. 366, 370; *Wisconsin v. Hitchcock*, 201 U.S. 202, 213.)

Congress made no appropriation for carrying out the removal until after the passage of the Swamp Lands Act. Thereafter the Congress from time to time appropriated money for their removal but never ordered as provided by the treaty of 1842, (Finding 3, R. 104), that the Indian trade and intercourse laws were no longer in force in the ceded territory. *United States v. Thomas*, 151 U.S. 577. Act of September 30, 1850, 9 Stat. 544, 556; Act of February 19, 1851, 9 Stat. 570, 572. Therefore, the plaintiffs were in possession of the land covered by the treaties of 1837 and 1842, and which they had occupied from time immemorial when the Swamp Lands Act of 1850 was passed and when the treaty of 1854 was negotiated and ratified. Finding 11, R. 113.

The parties to the treaty of 1854 understood that by the treaty the Chippewa Indians of Wisconsin were ceding all of the land they occupied in Wisconsin except the land embraced in the reservations established by that

[3] See Supp. Rept. Sec. Int. to A. G., dated Nov. 12, 1946, p. 2; H. Ex. Doc. No. 1, 32d Cong., 1st sess. (1852), pp. 295, 329, 331, and 334; H. Ex. Doc. No. 1, 33d Cong., 1st sess. (1853), p. 244; H. Ex. Doc. No. 1, 33d Cong., 2d sess. (1854), p. 213.

treaty.[4] Congress directed that a treaty be negotiated for the purpose of extinguishing the Indian rights in Wisconsin as later accomplished by the treaty of 1854. The statute is dated December 19, 1854, 10 Stat. 598, and appears to have been enacted after the treaty. However, Congress had not yet ratified the treaty at that date and from the legislative history of the act, it is shown that Congress was authorizing negotiations to extinguish rights of Chippewa Indians in Wisconsin and to establish reservations for them in Wisconsin, by the Act of December 19, 1854.[5] Finding 6, R. 105.

* * *

[4] See Art. I, Treaty of 1854, 10 Stat. 1109; also, letter Aug. 11, 1854, from Com'r Ind. Affrs. to Henry C. Gilbert, filed with Rept. Sec. Int., Feb. 14, 1946 (Def't ex. 16); also, *id.* Letter Oct. 17, 1854, from Henry C. Gilbert to Comm'r Ind. Affrs. (Def'ts ex. 19); also p. 2 of letter Dec. 8, 1854, from Com'r ind. Affs. to Sec. Int. (Def'ts ex. 20), filed with Rept. Dept. Int., dated Feb. 14, 1946.

[5] For the legislative history of the act which shows this clearly, see Cong. Globe, 33d Cong., 1st sess., 1854, pp. 1032, 1403; 33d Cong. 2d sess. 1854; 53; also see Def'ts ex. 20, letter of Dec. 8, 1854, submitting the treaty to the President and requesting that he approve it and submit it to the Senate for ratification.

Defendant's Objections To Findings, Etc.,
***Mole Lake Band v. United States,* Ct. Cl. No. 45162(1)**
(March 1, 1954), pp. 20-21, 138a

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

PLAINTIFF'S EXHIBIT: P-0013

IN THE COURT OF CLAIMS OF THE UNITED STATES

NO. 45162(1)

Mole Lake Band, et al., of
Chippewa Indians of Wisconsin,

Plaintiffs,

v.

The United States,

Defendant,

and

Fond du Lac Band, et al., of
Chippewa Indians of Minnesota and
The State of Wisconsin,

Intervenors.

Defendant's Objections to Findings of
Fact Requested by Wisconsin, Intervenor,

Defendant's Objections to Findings of
Fact Requested by Plaintiffs,

and

Defendant's Requested Findings of Fact.

Volume I

* * *

"extinguished". The proof is overwhelming that these laws were enforced in the areas comprising Bad River and Lac du Flambeau Reservations throughout the period to 1854. Therefore, under the Treaty of 1842, these areas were not classified as public domain subject to disposal under the homestead laws and other acts of Congress, and consequently were not within the areas subject to the Swampland Act of 1850. If there is any question of whether the Indian right to occupy their historic homes was extinguished, such question would thus only apply and cast doubt on the area within the cession of the Treaty of 1837, and the only reservation within this area is the Lac Court O'Reilles Reservation.

WISCONSIN'S REQUESTED FINDING
NO. 19.

Defendant has no objection to this finding.

WISCONSIN'S TITLE VI.

Defendant objects to the title as merely a conclusion and as a conclusion, not supported by the finding, the evidence, or the law.

WISCONSIN'S REQUESTED FINDING NO. 20.

Defendant objects to the finding insofar as there is injected into it terms contrary to the executive order itself, such as the word "terminated". Defendant admits that the Executive Order of February 6, 1850, was issued, but it is defendant's contention that it was never, in fact, carried out because Congress did not appropriate the necessary funds nor secure new reservations for the Indians nor in other ways act to effectively put the executive order into operation. See Defendant's Requested Findings 9 and 10. The two exhibits which Wisconsin cites as supporting the proposition that the Executive Order of February 6, 1850, effectively terminated the Indian right of occupancy are both of recent dates and should have no weight as against the voluminous evidence cited by the defendant in defendant's findings 9 and 10, to show that Congress did not act as though the order of the President was effective. The Treaty of 1854, which was made four years after the executive order of the President, in effect cancelled the President's Executive order. Also see Defendant's Requested Findings 11, 12 and 13.

WISCONSIN'S TITLE VII.

Defendant objects to the title under which these findings are listed, because by inuendo it would infer that the Chippewa Indians were in fact removed from the ceded lands whereas the proof is to the contrary. Wisconsin's Requested Findings No. 21 through 27 nowhere in fact declare that the Indians were removed, but rather, would indicate, as is defendant's contention, that they were never removed from the areas of Bad River and Lac du Flambeau.

WISCONSIN'S REQUESTED FINDING NO. 21.

Defendant has no objections to this finding. However, in view of the more detailed data included in Defendant's Requested Findings 3 and 4 about the contemplated removal of the Chippewas from Wisconsin, defendant believes that defendant's requested findings of

* * *

DEFENDANT'S FINDING NO. 11.

In its administrative interpretations as to the effect of the Executive Order of February 6, 1850, the United States never considered that the Indian rights were terminated thereby. (*Supra*, Dft. Req. Fdgs. 5 and 6; cp. Wis. Ex. 41, pp. 2, 6, 8 and Wis. Ex. 43.) While the United States made extensive preparations to accomplish the removal of the Indians from the ceded territory, suitable reservations for

the plaintiffs were never found in Minnesota. Consequently, the removal was never carried out. See Dft. Exs. 86-101; Tr. 969-996; cp. Wis. Exs. 45-57, inclusive.

* * *

Portions Of Plaintiff's March 17, 1954, Objections To Defendant's Requested Findings And Brief, Filed By The Chippewa With The United States Court Of Claims (Docket No. 45162(I))

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

IN THE UNITED STATES COURT OF CLAIMS

No. 45162(I)

MOLE LAKE BAND, LAC DU FLAMBEAU BAND, LAC COURT O'REILLES BAND, BAD RIVER, OTHERWISE KNOWN AS LA POINTE BAND, RED CLIFF BAND, ST. CROIX BAND, COMPRISING BANDS OF LAKE SUPERIOR CHIPPEWA INDIANS OF WISCONSIN,

Plaintiffs,

and

THE STATE OF WISCONSIN,

Intervenor,

-vs-

THE UNITED STATES,

Defendant.

PLAINTIFFS' OBJECTIONS TO DEFENDANT'S REQUESTED FINDINGS AND BRIEF

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* * *

determined, and on the further ground that funds are held for the Indians.

This position taken by defendant in making these objections is based upon several misconceptions of law and fact:

First – That the treaties of 1837 and 1842 did not cede or extinguish Indian title to these lands in Michigan, Wisconsin and Minnesota. Plaintiffs submit this position is erroneous.

1. Note the language of both treaties of 1837 and 1842, as well as the language of the September 30, 1854, treaty, is significant.

"The Chippewas ceded to the United States all that tract of country included in the following boundary." (July 29, 1837)

"The Chippewa Indians of Mississippi and Lake Superior by their chiefs and headmen cede to the United States all the country within the following boundaries." (October 4, 1842)

Plaintiffs' Requested Findings 5 and 6.

"The Chippewa Indians of Lake Superior cede to the United States all the lands heretofore owned by them in common with the Chippewas of the Mississippi lying east of the following boundary line of the Chippewa country." (Then follows the description of the land ceded)

"The Chippewas of the Mississippi hereby assent and agree to the foregoing cession."

Plaintiffs' Requested Finding 15. This language clearly signifies cession and extinguishment of Indian title. Defendant apparently ignores this language.

2. The privilege of hunting, fishing and gathering food and occupying the land ceded implies they had such right over the entire ceded area. This privilege was to continue "during the pleasure of the President of the United States". (Treaty October 4, 1842).

This privilege was clearly temporary in character and did not constitute a title to the land ceded. (Plaintiffs' Requested Findings 6, 7, 8 and 9) Yet defendant contends that the act of Congress and the treaty of September 30, 1854 prove that an effort was made to procure a cession of all rights to land in Wisconsin except the three reservations. Plaintiffs submit that this is not a tenable position in the light of previous cessions which had omitted a

narrow strip of land along the western border of Wisconsin, as well as from other facts in evidence.

3. This privilege of hunting, fishing and remaining in the ceded area (granted to these Indians temporarily) was terminated by Executive Order of February 2, 1850.

> "All of said Indians remaining on the lands ceded (by treaties of July 29, 1837 and October 4, 1842) are required to remove to their unceded lands (in Minnesota)." (Plaintiffs' Requested Findings 10, 11, 12, 13)

Defendant objects to the use of the word "temporary" in defining this privilege and right of remaining on ceded lands, apparently ignoring the specific language used. Defendant contends (page 95) that this right to remain upon the lands ceded could be terminated only by:

> (a) "A proclamation by the President". This proclamation was made in 1850. (Plaintiffs' Requested Finding 10)

> (b) "A provision of Congress that trade and intercourse laws should no longer be enforced in the ceded area". (Note also Defendant's Requested Findings 5, 6, 10, 11 and 12).

It is submitted that whether trade intercourse acts applied to the area or were abolished did not defer the passage of title and did not avoid the extinguishment of Indian title to the area ceded by the treaties of 1837 and 1842. Were the government's position correct that the lands did not become part of the public domain no settlement could legally have been made in any portion of the ceded area and no title could have been acquired by whites. Yet the proof shows that lands within the ceded

area were being surveyed. The land offices were established and lands sold by the government. Timber was being removed and sawed and municipal governments were established. If this was Indian country the Federal not State laws would have governed the ceded area. Such was clearly not the case, with the possible exception of the liquor laws.

All of these facts have been established and findings therein are relevant and material. Plaintiffs contend that a rescission of the trade and intercourse law was not required to make these ceded lands a part of the public domain.

> (c) "The setting aside of suitable reservation for these Indians". Article III of the Treaty of October 4, 1842, provides:
>
> > "It is agreed by the parties to this treaty (identical parties to the 1837 treaty, including the Mississippi, with the Lake Superior Bands) that whenever the Indians shall be required to remove from the *ceded district* (underscoring supplied) all the unceded lands belonging to the Indians of Fond du Lac, Sandy Lake and Mississippi Bands shall be the common property and home of all the Indians party to this treaty."

These Indians who remained in Wisconsin were owners of the lands lying about the western end of Lake Superior and the headwaters of the Mississippi which they held in common with the Chippewas residing in Minnesota. Such was the condition in 1850 when the swamp land act was passed.

This provision did not contemplate setting aside a reservation prior to or as a condition of removal or extinguishment of Indian title. Furthermore, the Executive Order of February 6, 1850, after revoking the temporary right of occupancy, continued "and all of said Indians remaining on the lands ceded as aforesaid (by treaty of July 29, 1837 and treaty of October 4, 1842) are required to remove to their unceded lands", – that is their lands in Minnesota. No reservation was required to be created to provide a home for them.

This common ownership of these Minnesota lands continued until the negotiation and approval of the treaty of September 30, 1854. By this treaty it was provided that the Minnesota lands

* * *

The western boundary of the cession of 1842 was a line drawn from the American Fur Trading Post on the St. Louis River at Fond du Lac, at the western edge of the present site of the City of Duluth. When Wisconsin became a state in 1849 the western boundary line was placed a few miles west of this cession line and it was this area which was ceded by the treaty of September 30, 1854.

2. A temporary right to remain in the ceded area during the pleasure of the President was granted to these Indians. This right was terminated by Executive Order of February 6, 1850. No other action was required to terminate this temporary right.

3. Upon the approval of the 1837 and 1842 treaties the lands became public domain and were open to entry and sale.

4. The United States obtained no other cession of the 1837 and 1842 ceded areas.

5. After the Executive Order of February 6, 1850, terminating the temporary right of occupancy and directing their removal, many of these Indians did remove to Minnesota.

6. The swamp land act of 1850 granted title to Wisconsin to all swamp lands within the area described in the 1837 and 1842 treaties.

7. No patent or other act was necessary to pass to the State of Wisconsin the title to these swamp lands.

8. The right and title to these three areas designated as reservations was created out of public domain by the Treaty of September 30, 1854.

* * *

United States Motion To Dismiss In Part And Affirm In Part, *Besadny v. Lac Courte Oreilles Band*, S. Ct. No. 83-6 (September 1983), pp. 1, 12-13

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

In the Supreme Court of the United States
OCTOBER TERM, 1983

CARROLL D. BESADNY, ET AL., APPELLANTS

v.

LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS, ET AL.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MOTION TO DISMISS IN PART AND AFFIRM IN PART

The Solicitor General, on behalf of the United States, moves the Court to dismiss the appeal for lack of jurisdiction insofar as it seeks review of the judgment of the Court of Appeals in *United States v. Wisconsin (Ben Ruby)* and to affirm the judgment of that court in *Lac Courte Oreilles Band of Lake Superior Chippewa Indians v. Voigt*.

JURISDICTION

The judgment of the court of appeals was entered on January 25, 1983 (J.S. App. 175a). The petition for rehearing was denied on March 8, 1983 (J.S. App. 177a). A notice of appeal (J.S. App. 180a) was filed on April 27, 1983. The jurisdictional statement was filed on July 5, 1983. The jurisdiction of this

* * *

Chippewas' hunting, fishing, and gathering rights under the 1837 and 1842 treaties because it was unauthorized by Act of Congress. The basis for this holding is that the Chippewas' understanding of the 1837 and 1842 treaties was that their rights would not be divested unless they "misbehaved," the land was needed for settlement, or a lengthy period of time, perhaps a generation, had passed. The courts further determined that none of these conditions had come to pass by 1850 and concluded, therefore, that the Executive Order was not valid. The State challenges this conclusion on two grounds. It asserts first that the authority of the President under the 1837 and 1842 treaties to remove the Chippewas from Wisconsin and hence to abrogate their rights of occupancy and use was unfettered (save for the requirement that he exercise sound discretion) (J.S. 13). It further asserts that, properly drawing all inferences in favor of the party against whom summary judgment was granted, there was ample evidence of "serious misbehavior" by the Chippewas justifying the removal order (J.S. 15, 18-20).

This Court need not resolve this controversy. Whether or not valid and authorized, the 1850 Executive Order does not determine the legal issues at hand

because the Order was never enforced. As early as August, 1851 the Office of Indian Affairs instructed the superintendent in Wisconsin to "[s]uspend action with reference to the removal of Lake Superior Chippewas for further orders" (J.S. App. 71a). A delegation of Chippewas met with President Fillmore in 1852, and were reportedly told that the removal order would be countermanded. Also in 1852, the Chief informed his people that a new treaty would be negotiated (J.S. App. 73a-74a), and in 1854 the Treaty of La Pointe was signed, guaranteeing permanent homes to the Chippewas in Wisconsin.

This summary of the events of 1850-1854 shows that the removal order of 1850 was quickly abandoned as the policy of the United States, and superseded by the Treaty of La Pointe. Thus, the rights of the Chippewas in Wisconsin are determined not by the terms of the Executive Order, but by the terms of the 1854 Treaty. This was the conclusion reached by the Wisconsin Supreme Court in *State v. Gurnoe*, 53 Wis. 2d 390, 405-407, 192 N.W.2d 892, 899-900 (1972). The state and federal courts directly involved in interpretation of land rights in Wisconsin have thus agreed that the 1850 removal order does not have the effect of extinguishing the Chippewas' pre-1850 rights. There is no need for this Court to review the issue.

b. The effect of the 1854 treaty on the hunting and fishing rights of the Band, while less clear, was correctly determined by the court of appeals and presents no question justifying plenary review by this Court. By its terms, the 1854 treaty did not extinguish any of the Chippewas'

rights, whether of use or of occupancy, in Wisconsin.[10] Nevertheless, it is obvious that the establishment of fixed, permanent reservations implied that the Indians were giving up their rights of occupancy outside of the reservation. This is confirmed by a statement of the Chippewa Chief Buffalo during the negotiations: "We now understand that we are selling our lands as well as the timber and that the whole, with the exception of what we shall reserve, goes to the great father for-

* * *

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[10] The Tribe expressly ceded its rights to land in the Territory of Minnesota.

Excerpt From November 17, 1987, *LCO* Deposition Of James M. McClurken

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS; RED CLIFF BAND OF LAKE SUPERIOR CHIPPEWA INDIANS; SOKAOGON CHIPPEWA INDIAN COMMUNITY, MOLE LAKE BAND OF WISCONSIN; ST. CROIX CHIPPEWA INDIANS OF WISCONSIN; BAD RIVER BAND OF THE LAKE SUPERIOR CHIPPEWA INDIANS; LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS,

Plaintiffs,

-vs- Case Number 74-C-313

STATE OF WISCONSIN; WISCONSIN NATURAL RESOURCES BOARD; CARROLL D. BESADNY; JAMES HUNTOON; and GEORGE MEYER,

Defendants.

_____/

The deposition of *JAMES M. McCLURKEN*, taken before me, Angela R. Mitchell, CSR-2151, a Notary Public within and for the Oakland, acting in the County of Ingham, State of Michigan, on Tuesday, November 17, 1987, at the Michigan State University Museum, Student

Union, Wisconsin Room B, East Lansing, Michigan, commencing at or about the hour of 12:30 p.m.

APPEARANCES:

CANDY L. JACKSON, ESQUIRE
Post Office Box 39
Odanah, Wisconsin 54861

In behalf of Plaintiffs

* * *

1960s or 1970s.

Q Bear with me just a moment.

A That's okay. I'll just relax and –

Q I'd like to read through my notes and make sure we've covered everything.

I'm recalling a statement – and I do not recall whether I remember it from a report by Dr. Cleland, or whether it was a report by Dr. Clifton. But I recall a statement to the effect that, "There is no clear evidence of any deception or trickery during the negotiations at the 1837 treaty".

Q Do you agree with that statement?

A There may not have been deception at the 1837 treaty; and in fact, there probably was not deception at the 1837 treaty. But that doesn't mean that the people who were negotiating the treaty weren't in a position of power and didn't stack the deck in their own favor to negotiate that treaty.

Q I understand that.

And would you agree that in the context of present day treaty interpretation, each treaty has to be viewed within its own factual context?

A For what understanding?

Q In order to ascertain the understanding of the Chippewa at the time of the treaty.

* * *